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NO. 82 –

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1982

IN RE: JANICE CHING YEE, Petitioner Pro Se,
v.
ALFRED ALPHONSE YEE, Respondent,
and
ALFRED A. YEE & ASSOCIATES, INC.,
Respondent
and
CONTRIBUTORY RESPONDENTS by Joinder*;
Respondents.

ON EXTRAORDINARY WRIT OF CERTIORARI
TO HAWAII SUPREME COURT,
by JOINT PETITION
TO THE SUPREME COURT OF THE UNITED STATES
AFFIDAVIT OF PETITIONER PRO SE
CERTIFICATE OF SERVICE †

Mrs. Janice Ching Yee
at: 3169 Alika Avenue
Honolulu, Hawaii, 96817
ph: (808) 595-3426

*Federal Rule of Civil Procedure,
(FRCP) Rules 18, 19(a), & 42(a)
for listed Contributory Respondents
in part II. Statement of Parties Involved.

†includes all names of Counsel for/or Respondents.

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and

ALFRED A. YEE & ASSOCIATES, INC.; ET AL†;

Respondents.

ON EXTRAORDINARY WRIT OF CERTIORARI

TO HAWAII SUPREME COURT

by JOINT PETITION

TO THE SUPREME COURT OF THE UNITED STATES

To the Honorable Chief Justice and Honorable Associate Justices on duty, for the Supreme Court of the United States; this Honorable Petitioner Pro Se Janice Ching Yee(and as JCY), humbly petitions, and prays, for this Court's discretion and initiative, that an EXTRAORDINARY WRIT OF CERTIORARI, issue; with Jurisdiction arising from TITLE 28, U.S. CODE, Chapter 133, Sections 2101(c) and 2106, and U.S. SUPREME COURT RULES, Rule 17(1)(b&c) and Rule 26, in particular; with inclusion of all pertinent LAW to be noted. Petitioner prays for this Court's review, for "equal protection of the Laws" for all guaranteed, established American Constitutional (Civil) Rights, and for betterment of the LAW; with prayers for use of TITLE 42, Chapt. 21, Sections 1981, 1982, 1983, 1985, 1986, and 1988;* because of "present exceptional circumstances", etc., according to RULE 26 of this Court's RULES.

† per cover captions, and part II

*ALL RULINGS. (APP. "G")

I. QUESTIONS PRESENTED FOR THIS REVIEW

1. Why the perpetrated, prejudiced "cruel and unusual" "unconstitutional" judicial class restraintive, perjured, "invidious discriminatory" "denials" of Petitioner Pro Se JCY's merits for Civil Rights, and Equal Protection of these Rights; to Redress capable Janice Ching Yee, prosecuting for established Rights for Petitioner's competance; and for compensation earned for work of 20 years for ex-husband Alfred A. Yee, and company Alfred A. Yee & Associates, Inc.†?

2. Why the resulting conspired, oppressive, assassinatory, libelled ordered bias for Respondents named, aided by Contributory Respondents, condoning and perpetratingly contributing to perjured intrinsic fraud concealment for gross cheat, "entrapment" type violating "denials" of equal protection of laws for injured JCY, without just rewards for work/marriage; and work of 8 years as Complainant (Appellant) Pro Se, living as exemplary American; and without Redress of any kind pled for, yet?

3. Why is the lower Court not against use of Hawaii Family Court Rules, Rule 7(b)(5)* (APP."E"); causing so much obstructive, vexatious delay of Petitioner's life, liberty and pursuit of happiness, without probable cause for the deprivation of moneys and rights for same JCY's "American Dream"?

4. Can this Court Redress Janice Ching Yee, as capable woman, for recovery of moneys and reputation, with "immediate settlement by this Court" and "deviation from normal appellate practive"; and thereby exonerate this Court from seeming contributory conflict in violation of Title 42's sections 1981, 1982, 1983, 1985, 1986, and 1988?

* now being perpetrated by Judge Richard Lee's unfair denials; CROA: FC–D#81258: (unnumbered 44 & 45), APP."D"–4, and as Exhibits in "Joint Motion for Stay of Enforcement of Order(s)".

†now sold to Leo A. Daly for enough money to pay JCY.

II. STATEMENT OF PARTIES INVOLVED

The parties involved, for proper adjudication of this case, per FRCP, Rules 18, 19(a) and 42: are named on the caption cover, and included by Joinder, permitted by This Court with Jurisdiction noted, are Contributory Respondents:

A. named in court of first instance: (of HSC#7355)

1. Att. Edw. Y.C.Chun, et al; Att. Robt. Hogan; Att. Harold Nickelsen; Social Worker Gerry Nagahisa, & Crt. Psychiatrist Dr. Betty Adams, et al†; Stephanie Kokernak; (exempt, deceased Robt. Franklin); Att. James E. Koshiba &/or Hawaii State Bar Assn.; Judge Betty Vitousek, et al†; Judge Norito Kawakami, et al††;

B. named in case USDC (Hi)#81-0148*(& in part A)

1. Judge Harold Shintaku, et al††; Dr. Kwong Yen Lum; Att. John Parks; Att. Jung Lowe, ex-Disciplinary Counsel, et al†††; ex-HSC Chief Justice Wm. Richardson, et al†††; ex-HSC Junstices: Bert Kobayashi, Ben. Menor, Thos. Ogata, and Sub. Justice Robt. W.B.Chang, all et al†††; Judge Arthur Fong, et al†††; Judge James Burns, et al†; Gov. George Ariyoshi, et al†††; Judge Barry Rubin, et al†; ex-Disciplinary Counsel Dan Heely, et al†††; Judicial Qualifications Commission: Robt. Stevenson, (exempt, deceased M. Kido and W. Cannon), Rev. Chas. Crane; Clifford Melim, et al†††; Judge Don Tsukiyama, et al†; ex-U.S.Att./Judge Walter Heen, et al†††*; Judge Richard Lee, et al†*; Judges of USCA(9th)§: Alfred Goodwin, Otto Skopil, Harry Pregerson, and Warren Ferguson, et al†††*

C. new, by Joinder, per Rules quoted; and FRCP's 26:

1. Judges of USDC(Hi)‡: Martin Pence, Harold Fong, Samuel King; and; "Court Commissioner" Gunji Izumoto; all et al†††.

† Hawaii Family Court†††
†† Hawaii Circuit Court†††
††† Hawaii State Government (not State)**
** because Hawaii State Gov't. gained 3rd term unfairly.
* wherefore latter Judges were served (CROA: USDC(Hi): #9)
§ U.S. Court of Appeals for 9th Circuit.
‡ U.S.District Court of Hawaii

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C. ABBREVIATIONS USED

1.	APP.	= APPENDIX
2.	AAY	= Alfred Alphonse Yee
3.	AAY Company	= Alfred A. Yee & Associates, Inc.
4.	CROA	= Certified Record on Appeal (by Petitioner, for proof of assertion)
5.	Chap.	= Chapter
6.	FRCP	= Federal Rules of Civil Procedure
7.	HCC	= Hawaii Circuit Court
8.	HFC	= Hawaii Family Court
9.	HRS	= Hawaii Revised Statutes
10.	HSBA	= Hawaii State Bar Association
11.	HSC	= Hawaii Supreme Court
12.	HSCR	= Hawaii Supreme Court Rules
13.	JCY	= Janice Ching Yee
14.	PPS	= Petitioner Pro Se
15.	RSPDT.	= Respondent
16.	Sec.	= Section
17.	28 USC	= TITLE 28, U. S. CODE
18.	42 USCS	= TITLE 42, U.S.CODE SERVICE
19.	USCA (9th)	= United States Court of Appeals for the Ninth Circuit
20.	U. S. Const.	= United States Constitution
21.	USDC (Hi)	= United States District Court for the District of Hawaii
22.	USSC	= United States Supreme Court
23.	USSCR	= United States Supreme Court Rules

IV. UNOFFICIAL REPORT OF OPINION FROM BELOW

The Hawaii Supreme Court's Chief Clerk reported by letter dated April 4, 1983 "that no action will be taken on the 'objection' documents filed" "in SC No. 7067, Yee v. Yee, and SC No. 7355, Yee v. Alfred A. Yee & Associates, Inc. The documents were inadvertantly filed this morning. However the cases in question have already been closed, and no further documents may properly be filed in them." etc. (APP. "B"–3) This didn't give rightful use of FRCP, Rule 46. (CROA† #7067: #50; CROA† #7355: #12)

V. STATEMENT OF JURISDICTION FOR THIS REVIEW

The JURISDICTION of this Court for this "Joint Petition", for "Extraordinary Writ of Certiorari", is based on Federal Questions of Law, invoked by perjured, judicial prejudiced, obstructive "unconstitutional" "denials", and "dismissals", by Hawaii Supreme Court, "the State court of last resort"; on the grounds that the ordered "decisions" were "in conflict with the decision of another State Court of last resort", or "federal court of appeals"*, and where some "important question(s) of federal law", have "not been, but should be settled by this Court"; being "in conflict with applicable decisions of this Court."**

The JURISDICTION is also based on action arising from Statutory Provisions and Constitutional Provisions and Regulations noted forthwith. Included are CERTIFIED portions of the "Record on Appeal" (noted as CROA) of cases involved, pertinent to this case's proper review, with prayers for GRANT, with determination+ from this Court, for RE - DRESS of Janice Ching Yee. this Petitioner Pro Se.

A. RE: ENTRY OF "JUDGMENT(S)"; FOR REVIEW

The dates of the Judgments sought to be reviewed, are:

1. case HSC#7067: Order filed Mar. 15, 1983, at 12:05 p.m. for "dismissal" and "denial" of Opening Brief and Appeal. (APP. "A"–1.1)

2. case HSC#7355: Order filed Mar. 15, 1983, at 12:07 p.m. for "dismissal" and "denial" of Opening Brief and Appeal. (APP. "A"–2.1)

† Certified Record on Appeal

* in particular, Jillson v. Caprio (APP. "G")

** all RULINGS relied on (APP. "G")

+ TITLE 28, Chap. 133, sec. 2106

B. RE: ORDERS RE: RECONSIDERATION

The dates of the Orders "denying" Reconsideration; sought to be reviewed, are:

1. case HSC#7067: Order filed Mar. 29, 1983, at 3:13 p.m. for "denial" of Motion for Reconsideration. (APP."A"1.2)

2. case HSC#7355: Order filed Mar. 29, 1983, at 3:10 p.m. for "denial" of Motion for Reconsideration.(APP."A" 2.2)

3. #7067 and #7355: Letter of "no action" of Apr. 4, 1983 noted; which meant also no copies were delivered to all Justices, except Nakamura; until informed of this. (see CROA #7067 and #7355 for Objection filed 4/4/83). Wherefore, Nakamura's twofold conflict is for Japanese American racial exploitive, oppressive "control" of Chinese American woman JCY, who Petitions for "equal protection" for all "Freedom"s and "Fair Competion", "Equal Opportunity.

C. STATUTORY PROVISIONS OF PERTINENCE

The Statutory Provisions for Jurisdiction of this Court arises from action, according to:

1. TITLE 28, U.S.CODE, Chapter 81, section 1257(3); Chapter 111, section 1651(a) and 1654; Chapter 133, section 2101(c) and 2106.

2. TITLE 42, U.S.CODE SERVICE, Chapter 21, section 1981, 1982, 1983, 1985, 1986, and 1988.

3. HAWAII REVISED STATUTES, Chapter 657–20 (affirmed by RULING of White v. Bloom, noted in APP."G")

The text for all Statutory Provisions are appended in APPENDIX "E", with all RULINGS of APPENDIX "G" for affirmation.

VI. CONSTITUTIONAL PROVISIONS AND REGULATIONS INVOLVED

The Constitutional Provisions and Regulations involved in this case are:

1. THE CONSTITUTION OF THE UNITED STATES, its ARTICLE 1, section 1 and 8; ARTICLE 3; ARTICLE 4, and its AMENDMENTS 1,4,5,7,8,9,13, and 14, in particular

2. THE HAWAII STATE CONSTITUTION, and its ARTICLE 1, sections 1 to 8, and 12.

3. RULES OF THE SUPREME COURT OF THE UNITED STATES, Rules 17(1)(b&c), 19,20,21,26, and 33.

4. FEDERAL RULES OF CIVIL PROCEDURE, RULES 1, 8(b), 18, 19(a), 26, 38(a&b), 42,56(a), and 60(b) for re-trial; for mistrial in Judge Fong's Court, condoned by Hawaii Supreme Court.

5. HAWAII SUPREME COURT RULES' CANONS OF JUDICIAL CONDUCT, in General.

6. HSCR' CODE OF PROFESSIONAL RESPONSIBILITY: ETHICAL CONSIDERATION 7–21 and 7–22.

7. HAWAII FAMILY COURT RULES,' unconstitutional Rule 7(b)(5).

The text for all Constitutional Provisions and Regulations are appended in APPENDIX "E".

VII. STATEMENT OF THE CASE, RE: RELEVANT FACTS

Petitioner Pro Se Janice Ching Yee lives as one capable, oriental (Chinese) Americanborn woman citizen, inspired to live with JCY's "American dream", as "successful free entrepreneur living in luxury earned"; and with good intent to uphold and support the Constitution, and Laws, of the United States, and the "proper" Laws of Hawaii State.

Same JCY, as Plaintiff-Appellant Pro Se, appealed in Hawaii Supreme Court:

A. RE: case #7067: JCYee v. AAYee (individual)

1. Docketed; with "Opening Brief" filed Sep. 5, 1978 at 1:23 p.m.; (CROA#7067:#7) whereof this Appeal was from Judge Burns' unfair denial of JCY's "Order to Show Cause After Order or Decree"; with pleas for release of JCY's moneys, (APP. "F"–EXH."A"&"B") constrained and hindered from use by Judge Vitousek, Burns' predecessor; condoned by Judge Burns' perpetrated violation of Title 42's 1981, 1982, 1983, 1985, 1986, and 1988; wherefore Vitousek†, Burns†, Respondent AAY* & Associates*, and AAY's lawyer Edward Chun*, are Respondents of case USSC#81-1500, appealed from USCA#81-4326, appealed from USDC(Hi)#81–0148, where both lower U.S.Courts were so perjured prejudiced, that "adequate relief cannot had be had" from there, or from Hawaii's Courts, through eleven years. Rspdt. AAY†, AAY Company†, Chun†, and any involved† who aided AAY, are Contributory/violators of Title 42's quoted sections; and part were included in HCC#55669, appealed as HSC#7355; and

† Azar v. Conley, Culp v. Devlin, Griffin v. Breckenridge, Hampton v. Hanrahan, Hoffman v. Halden, Jillson v. Caprio, in particular, and all Rulings.

* showing male chauvinist "invidious discriminatory animus" for greedy control.

all "not tried"++. The forced contracts of Notes (Exh)"A" & "B" were not proper contracts, approved of, or signed by Petitioner, who pled from 1975, for release of these ordered funds, and was deprived by perjured Orders, libelling Petitioner's good reputation; by "incapacitated" label for deceptive gross cheat restraint of JCY's collection and use of this money, deprived use also by unconstitutional Hawaii Family Court Rules, Rule 7(b)(5) (APP."E") for injury of owners, creditors, victims.

2. With "Motion for Advancement", filed Sept. 26, 1978 at 8:37 a.m. (CROA#7067:#9), where this "Motion" was justified; for this Appeal had been brought up before, and there were/are children involved, even as adults, needing better-experienced financial manageress JCY, who can manage JCY's own moneys and half of ex-husband's income for self and all children, one still at college. JCY waited eleven years for true justice, as release of JCY's moneys from "A"&"B", not any man; as jealously insinuated by ex-husband of this original divorce case without any Jury trial; and Judges' "denials", using the "incapacitated" (CROA#FC–D: 81258–Orders #7, p.4, par.1; #11,p.11,par.2 and p.12, par.1), humiliating orders for deceptive, depriving detainment "false arrest"‡ of JCY, who perceived the conspired deception for deprivation of JCY's RIGHTS, and moneys (property), with "equal protection" of both; including "Right" to run for Governor (against Japanese Ariyoshi or half-Japanese Jean King) or Lieut. Governor (1974–1982 desire), or for Hawaii's U.S. Congress-woman (first Chinese woman in America), with real qualifications. (1982 on: hopeful). "Motion for Advancement" was never heard, but was "denied" by "Minute Order", signed by ex-Justice Richardson, (Hawaiian "animus") (Feb. 16, 1979: CROA#7067#15) a couple of days after JCY's "Motion for Recusal of Justices Richardson and Kobayashi (Japanese), where both were in conflict for appointments of Harold Nickelsen (white "animus") and James Koshiba (Japanese "animus"); (both Appellees/Respondents then) wherefore Rspdt. Nickelsen's conflict was for evil restraint of JCY, injured also by malevolent disinterest++ of James Koshiba (as HSBA Ethics Commissioner), a partner of Kobayashi's (Japanese) son; all in conflict for complicity.

++ for violations of "civil rights"; per Fannie v. Chamberlain Mfg. Derry Div.

‡ Jillson v. Caprio, and all Rulings.

++ In Re: Ledwith v. International Paper Co. and all Rulings.

3. With many "Motion"s to include Supplemental Record, and "Exhibits" of filings being denied by the court of the first instance (HFC), which coerced use of unconstitutional HFC Rule 7(b)(5), extorting "financial statements" from the "moving party"; even if challenged with Ethical Consideration 7–22 (APP"E") each time, by JCY, Plaintiff, creditor, victim, with proof of property (moneys) in question, for release and recovery of JCY's money; ordered by the HFC†, unfairly, unconstitutionally, delayed. This was pled in case #7067' Appeal Brief, wherefore Hawaii Supreme Court's perpetrated obstructive delay, perpetrated the injured substantive rights of Petitioner, who also "Motion"ed for "Recusal of Justices" (all) in conflict as Defendants in case USDC(Hi) #81–0148, a companion case to case #7355, and #7067, thereby.

4. With oral request for Hearing ignored from 1978 until final Judgment Order, filed Mar. 15, 1983; whereof, the divorce case never had a Jury trial, and whereof the lower court (HSC) denied equal protection of the laws, for Petitioner, for TITLE 42's 1981, 1982, 1983, 1985, 1986, and 1988*, all in particular; and Hawaii's R.S., Chap. 657–20,** pled for use from 1975; for equal protection for:

a. "Freedom"* for JCY, who won final absolute divorce after 20 legal years of marriage, and work as silent partner for ex-husband Respondent AAY, who would pay JCY, if ordered by the Court (HFC or HSC)++, which instead all showed "male chauvinist", "invidious discriminatory animus" against "treat" of JCY, injured also by Judge (Japanese) Donald Tsukiyama,++ Burns' (white animus) replacement, stating that if he, Tsukiyama did not order release of moneys pled, or upgrading of alimony, then AAY didn't need to pay JCY; who could manage JCY's moneys, and pled for this "equal right", injured, and/or neglected by ex-lawyers R. Hogan,++ R. Franklin,++ and John Parks++; and Judge Vitousek who instigated white invidious discriminatory animus. Wherefore Rspdt. Hogan obtained $2 million, equit-

† APP. "F", (EXH. "A" & "B")

* confirming Constitutional AMENDMENTS pled

** APP. "E"; and White v. Bloom (APP. "G")

++ In Re: Ledwith v. International Paper Co. and all Rulings.

able settlement for a white woman client, but neglected even child support moneys for JCY, caring for children 5–6 days weekly from 1971 to Aug. 1981, without support or credit, as awarded "custody". Franklin and Parks perpetrated Hogan. JCY pled as "Pro Se" from May, 1975 in FC–D #81258; using EC:7–22, as "law", vs. showing financial statements (seen 4 times by HFC in 11 years); injuring JCY, as free entrepreneur (100% owner, Pi PRESS, Inc.*) oppressed by conspired invasion of privacy.

b. "Freedom", by Court ordered Redress, seeing where over twenty (20+) Hawaii Psychiatrists refused to testify or write letters of clearance (recent) for JCY's capable reputation. JCY requested clearance by opinions of JCY's pleas: USSC#81-1500, and sales kit of Pi PRESS products (10 years' qoek). This was seen by two doctors only, who perjured against the medical Oath. The others wouldn't even see the products or Petition, or JCY, who fears the collusion (for Dr. Betty Adams & Dr. K. Y. Lum) for restraintive oppression of JCY, and prays for this Court's discretion for use of all LAW pled. One doctor is considering JCY's merits for clearance, against Rspdt. Dr. Betty Adams' perjured malpractice report of "severe chronic mental illness" which, compounded by Social Worker Gerry Nagahisa's perjured malpractice "doesn't relate to children" report; were the tools for Judge Vitousek's instigated "cruel" etc., restraintive deprivations for gross cheat of JCY, who Petitions against judicial coerced "incapacitation"; with pleas for precedent use of white woman Jillson v. Caprio (APP."G")(from 1975) and white woman Doris Day, (used) .

c. "Freedom" from oppression by judicial malice for assassinatory restraint, by (white racial) "guardian ad litem" Rspdnt. Harold Nickelsen‡ or (Japanese) "court commissioner Rspdnt. Gunji Izumoto‡, as double jeopardy; whereof both contributed, and didn't report Vitousek's misconduct. Izumoto was requested to resign, since he admitted that he didn't do anything for the position, one of "paper"; used for assassinatory deprivation of JCY, for capable self control, and who never committed crime and deliberate sin as adultery; or never believed in premarital sex and abortions; or lives an exemplary life, not satisfied for Redress.

*poetry samples included in APP. "F"–4,5,6

‡ Scott v. Moore, Selzer v. Verkowitz, and all Rulings.

d. "Freedom"† to Petition for Redress, and not be hindered by conspired judicially coerced entrapment; wasting time useable as U.S. Congresswoman as privilege†, to help strengthen America's laws, for better "equal protection of all laws"; wherefore Hawaii now has 2 Japanese, 1 Caucasian, and 1 Hawaiian representing Hawaii.

e. "Freedom"† to enjoy guarantee by First Amendment, and 14th Amendment "equal protection†" of the guarantee, as fact; to manage as individual "equal" upon divorce, without "drawn out" invasion of privacy, coerced by Rule 7(b)(5), (as pled), used for the "invidious discriminatory animus".

B. RE: case #7355: JCYee v. AAY & Associates, Inc. (AAY Company)

1. Docketed; with "Opening Brief" filed April 16, 1979 at 2:52 p.m.; (CROA#7355:#2) with Notice of Appeal filed March 20, 1979, after delay by Judge Fong from the payment day of Nov. 30, 1978; whereof JCY sent letters‡to the Hawaii Supreme Court, to Order Judge Fong++ from the lower Hawaii Circuit Court, to file the Notice of Appeal from Judge Fong's wrong "denial" of the wrong case; where Judge Arthur Fong‡ was contributory to the other malfeasant Judges‡ (noted in "Joinder" of HCC#55669, appealed as HSC#7355) who "denied" "equal protection of the laws" for civil rights Redress for Petitioner, who was injured yet by Rspdt. Judge Harold Shintaku (Japanese) who condoned, perpetrated, and contributed to Vitousek's violations; and Rspdt. Norito Kawakami (Japanese) who condoned, perpetrated, and contributed to: Rspdt. Adams, Nagahisa, Nickelsen, Koshiba & HSBA, Kokernak, Hogan, Chun, and Franklin's "contributory/violations" of "equal protection of laws" for JCY, wherefore Kawakami imposed costs (extracted by restraint of trade and insinuating harassments by the involved community) for Hogan, Nickelsen, and Koshiba & HSBA.

2. With "Motion for Consolidation and Advancement of cases No. 7355 and 7067"(CROA:7355:#3) filed Apr. 17,

† Culp v. Devlin, Griffin v. Breckenridge, & all Rulings re: Rights.

‡ included in certified matter: #7355 rec'd. by Justices.

++ there is a Fong–Ching tong feud; whereof JCY and Dr. Bernard Fong are neutral.

‡ Bottone & Lindsley, Fannie v. Chamberlain Mfg. Corp. Derry Div., U. S. General Inc. v Schroeder, Britt v. Suckle and all Rulings

1979 at 8:27 a.m.; delayed, ignored, and never really considered, or heard. Advancement and consolidation were justified, because Rspdt. AAY Company once benefitted entirely from JCY's work as silent executive partner once for ex-husban, Rspdt. AAY, who is also President of Rspdt. Company. The AAY Company was deleted by Judge Barry Rubin†*, as substitute once, by order of Mar. 30, 1978 (CROA#FD–D 81258:#23) after AAY Company was "joined" informally (accepted) to the divorce case, to simplify settlement; from 1974 to 1978. Then, and now, JCY pled for one sum settlement (not cash), including Redress and repayment of Notes "A" & "B", and cash policy value of insurance ($250,000 ordered, lost $490,000 deleted by Vitousek order); all to equal $3 million financial divorce/severance compensation settlement for JCY, who earned more than it actually, having the ideas, and could have helped AAY Company make the money back, their being a million dollar company by 1973. Also, the one-sum settlement, if "ordered"; could be collected by "discounting" the sum at the bank, who could then as creditor, collect monthly payments from Rspdt. AAY and Rspdt. Company. Therefore, truly AAY company, and ex-husband AAY, were aided in their "gross cheat" of severance compensation for JCY, Petitioner, who once was very frugal, to help the company grow; and only had five (5) vacations to ASCE** conventions, in the twenty years of marriage and work, where the AAY Company was owned by Rspdt. Alfred Yee, as major stockholder, and his Associates, who all sold the Company about a year ago, and where AAY could afford to pay the remaining balance of the EXH. "A" & "B" notes (APP. "F"), and equitable divorce settlement then. Petitioner cannot understand the Courts' bad faith intent to deprive JCY of early use of this money; or the lower HSC†'s perpetration, "cruel", negligent, prejudiced violation of "equal protection" "supervision" against conspired coercion for non-assertion of JCY's Rights for this Equal Protect, and for Redress;

* showing contributory white, male chauvinist "animus".

** American Society of Civil Engineers.

† Bottone v. Lindsley, Fannie v. Chamberlain Mfg. Corp. Derry Div., U. S. General Inc. v Schroeder, Britt v. Suckle, and all Rulings.

injured again, by "malevolent disinterest"++ of the fact that Judge Fong "denied" the wrong case in the pretrial, and no jury trial was had, as demanded. To add to the wrong, AAY also was allowed by John Hancock Insurance company to borrow over $80,000. from the cash surrender value, now depleted and not paid back, so JCY can borrow, since the premiums are paid by JCY (out of Note "B"), as owner of the policies. President Williamson was told of this, in 1981, 1982; and ignores it.

3. With "Motion for Recusal of Justices: Benjamin Menor†(Phillipino), Robert Won Bae Chang†(Korean), and Thomas Ogata†(Japanese); added to the "Motion for Recusal of Justices Richardson†(Hawaiian) and Kobayashi†(Japanese); after Petitioner complained in the USDC(Hi) case #81-0148, in 1981, with hopes of Redress, so JCY could run in 1982; wherefore the U.S.District Court of Hawaii's Judge Walter Heen†(Hawaiian) added to the violation of "equal protection of the laws" for JCY, who demanded Jury Trial (none had) and Hearing (hon had). Shortly after, Governor George Arioshi‡(Japanese)(Rspdt.), who had appointed James Burns‡ (Caucasian) after his "unconstitutionality" and appointed Arthur Fong (Fong class exploit animus) after his "unconstitutionality"; then appointed Walter Heen‡ to the Hawaii Intermediary Court also; since Gov. Ariyoshi unfairly gained by their violations of Title 42's 1981,1982,1983,1985,1986, and 1988 sections. The case was Appealed as USCA(9th)#81-4326, Appealed as USSC#81-1500; included in the Certified portions of the Record(s) of all cases involved, as "documents of discovery"*; and with prayers for this Court's discretion to join the case #81-1500 to this Joint Petition for Extraordinary Writ of Certiorari (or vice versa with re-opening of case #81-1500‡, by "reversal" of its orders appended, APP."D'), for proper "review" and "determination" for JCY's recovery of reputation as capable, financial situation with life accus-

++ In Re: Ledwith v. International Paper Co. and all Rulings.

† Bottone v. Lindsley, Fannie v. Chamberlain Mfg. Corp. Derry Div., U. S. General Inc. v. Schroeder, Britt v. Suckle, and all Rulings

‡ ALL RULINGS.

* FRCP, Rule 26

‡ see waiver by U.S.Gov't. (APP."F"–3)

tomed, and redress; by:

a. "immediate settlement" by this Court, "with deviation from normal appellate practice", to include Rule 18 of this U.S.Supreme Court's Rules; for precedent use in this case; joining USSC#81-1500 to it.; or ;

b. remand to the U. S. District Court,** with directive from this Court, for "change of venue"; and for joinder of HCC#55669 to USDC(Hi)#81-0148, and Redress JCY.

c. with this Court's permission; Joinder of Judges Martin Pence‡, Harold Fong‡, and Samuel King‡ (giving him leniency because of his original May 14, 1982 order (APP. "D"—1)); for:

1). their bad faith conflict, perpetrating conspiracy/obstruction also perpetrating Rspdt. Walter Heen‡(summoned)(CROA#81-0148:#9) in result.

2). obstructively denying filing of (NEW) COMPLAINT,** JCYee v. U.S.District Court of Hawaii‡; for "Hearing" Right of case #81-0148 in USDC(Hi), with proper RULINGS of (1) Martin v. Wainwright, (2) White v. Bloom, and (3) In Re: Ledwith v. International Paper Co. (all APP."G"); noted for precedents in the new case; seen by U. S.Dist.Att.Bent's office, and the FBI office (Hawaii), and the Justice Department (U.S.); after being denied filing; wherefore all were in violation also. A copy of this (NEW) COMPLAINT is included in CROA#USDC(Hi)#81-0148.

4. With request for Hearing ignored till coerced "final judgment" of the "wrong case", not titled in Court, in the pre-trial, without Jury Trial; resulting in violation of equal protection of civil rights law for JCY, for RETRIAL of mistrial depriving JCY of:

a. Equal Rights for Equal Protection for all Law and Rights, and "due process" for this established "Law".

b. Equal Protection for compensation earned, and promised deceptively by the Company Respondents, especially its President, for good work from JCY, "while young", counting on living "in luxury" and "a big diamond ring (temporary 3/4 carat) upon success, gained by 1971; even if divorced.

c. Equal Protection for Freedom to manage self interests, by JCY, as EQUAL, instead of being managed by Rspdt.

**CROA #USDC(Hi)#81—0148

‡ ALL RULINGS

AAY, and his Company(where he works now, included) from initiation of divorce in Sept. 1971; thereby suffering eleven years of illegal control and invasion of privacy, by AAY at least; causing unfair competition by divulging reasons for expenditures or collection of money; injured by Rule 7(b)(5) as the tool used, by HFC, for violation of all Title 42's "LAW" noted, for Petitioner JCY, business administration graduate from Northwestern University's Commerce School in Evanston, now its Graduate School of Business. (1951)

d. Equal Protection for equal opportunity and fair competition with collection of severance compensation for 20 years' work, setting the foundation of AAY Company (who still owe JCY), so Petitioner could open shop for JCY's products, or develop property for good use by older people.

e. Equal Protection of Right to be treated as the "white" maid Stephanie Kokernak, who was treated to one month's vacation with severance pay, from AAY, and one month vacation at a company owned Apartment without rental expense; shortly after JCY initiated divorce from AAY; wherefore AAY recently re-employed Kokernak, staying at his residence. This shows AAY deceptively blamed others, when conspired Kokernak coerced the divorce by refusing to move from JCY's home, where (1971) JCY fired Kokernak, illegal trespasser 10 times, asking that she move.

f. Equal Protection for Lawful Right to Jury Trial, and Right for "due process of law", wherefore the pre-trial Court was in gross violation of Title 42's sections noted; in refusing to file "Motion for Relief" with day for Hearing, delayed filing of "Notice of Appeal", as pled, and all the while refusing to admit the Court adjudicated the wrong case, not titled.

g. Equal Protection of proper adjudication of JCY's COMPLAINT, and lawful prosecution of Respondents: Company AAY & Associates, Inc. CROA included for HCC#7355, for pertinence for JCY's Redress, and for proof of JCY's assertion of RIGHTS to the fullest extent, even with amateur pleas as real "Pro Se", learning while pleading, from Feb.1975 to present, without aid. Petitioner Pro Se Janice Ching Yee authoress's all pleas, including this Extraordinary Writ of Certiorari; and does not perjure; handicapped without a law de-

gree. Whereof 398 lawyers (some members of the Hawaii State Bar Association++) were approached, and refused to help JCY, as victim Complainant. This included the American Civil Liberties Union++ in Hawaii, who helped others with similar, but less damaged cases. This also includes, as mentioned, Hawaii's U.S.District Attorneys, Daniel† Bent's office, where Assistant U.S.Attorney Michael Burke† said that they could help if the FBI would make a report reques-ing their help; and the Federal Bureau of Investigation† in Hawaii, couldn't find the Jurisdiction, even when the USDC (Hi) refused to file the last COMPLAINT by JCYee v. the U.S.District Court of Hawaii, as noted. The Hawaii Supreme Court old members who were Contributory Respondents, retired; and Petitioner was/is traumatically shocked by the new members perpetrating the violations depriving of equal protection of the laws for Janice Ching Yee's civil Rights.

VIII. MOMENT FEDERAL QUESTIONS WERE RAISED

A. For case HSC#7067; the Federal Questions sought to be reviewed were raised, from the beginning, actually in the Hawaii Family Court† when Judge Betty Vitousek† was presiding, and cruelly used, and accepted perjured psychiatric reports† and social worker reports† (CROA; FC–D#81258: parts pled in #7 and #11) which caused resultant orders of suppressive, oppressive, libelled restraintive deprivation, by "false arrest" (guardian ad litem restraint) of capable Petitioner JCY from class of Punti Chinese Americanborn, good heritage, private school, minority type family, always lawful, never sinful intent. This caused loss of "custody", "so you won't need the extra money", per ex-lawyer Hogan†, Rspdt., so JCY fired Hogan; then self "Motion"ed for "Relief", or "Retrial", or "New Trial" (CROA: HSC#7067: INDEX of ROA, number: 42,96,109,116,121,138,141, and Amended INDEX, number 2) to help correct the Court's wrong, whereof Judge Vitousek and Judge Burns, (and Judge Tsukiyama) both adjudged the "Motion" for their own "disqualification", "denying" their prejudice; which "decision" "is in conflict" with Texas State's Appeals Court's (3rd Sup. Jud. Dist. of Tex. at Austin) sensible 1980 "Decision" quoting sensible

† Santiago v. Philadelphia, and all Rulings.
++ Britt v. Suckle, and all Rulings.

Statute from Tex.Rev.Civ.Stat.Ann.Art.200a #6(Supp.1978) for case #13,111: O'Hair v. Strobel; and for case McLeod v. Harris, 582 SW 2d 772 (Tex. 1979). Judge Tsukiyamat, after Judge Burns, recused himself, instead of reversing Judge Vitousek's bad intentioned orders, because Vitousek requested his appointment; making it a danger of appointed Judges, in lower Courts.

In the first instance here, Judge Burnst "denied" filing eight (8) of JCY's "Motions for Relief" including EC:7–21 and 7–22 (APP."E") for Jurisdiction; and stamped his "not approved for filing" on the "Motion"'s cover; wherefore he ordered then, that only "Order to Show Cause After Order or Decree" form-type pleas could be filed, or considered; extortively coercing inclusion of financial statements, or no filing and consideration. When conformity occured, Burns "denied" all pleadings for "Relief" for moneys or custody, wherefore Judge Burnst condoned, perpetrated, and contributed to the violations of Title 42's LAW pled; and against judicial malicious abuse of Process, or for equal protection of the laws. (APP."E")

Therefore, the Hawaii Supreme Court's "denial and dismissal" was "malevolent disinterest" condoned perpetration of lower court (first instance) instigated violation of equal protection of laws, and regarding Federal Questions with pertinence to the Big QUESTIONS PRESENTED (in part I):

1. Why does Hawaii Supreme Court condone, perpetrate, and contribute to the unconstitutional violations of Title 42, Chap. 21, sections 1981,1982,1983,1985,1986, and 1988, for the Constitution of the United States' Amendments 1,4, 5,7,9,13, and 14 in particular; for equal protection of these laws for America's foundation, and for JCY's civil rights as Americanborn citizen, injured by others' covetous wish for control of JCY, who never committed crime or incapacitation to warrant the existing restraintive oppression, as seen by the "court commissioner" still in effect?

2. Why is Hawaii Family Court's prejudiced persecution of JCY, suffering perpetration by the Hawaii Supreme Court (or other Courts) in violation and malevolent disinterest of Title 42's LAWS pled, for general use?

3. Why is Hawaii Supreme Courtt obstructively not

† all Rulings re: civil rights violations

against the use of Hawaii Family Court† Rules, Rule 7(b)(5), giving no protection of owners, as JCY, with proof of ownership?

4. Why is there perpetrated perjured unconstitutional oppressive restraint of capable JCY, who never was "severe chronic mental illness"† reported by Dr. Betty Adams†, not punished yet; or "incapacitated"† as ordered by Judge Vitousek, not reversed or punished yet; whereof both libelled "documents" used for "cruel and unusual" assassination of JCY's good character, very competant reputation, and honorable name Janice Ching Yee, not redressed yet?

B. For case HSC#7355; the Federal Questions sought to be reviewed were raised, in the first instance in the Hearing of the case HCC#55669, when Judge Fong†, in the pre-trial, "denied" the case, as "disinterestedly"++ as he "denied" JCY's Feb. 14, 1977 "Motion to Reopen and Consolidate Cases" which were never tried yet, with Jury Trial, where Defendants (Respondents) were in violation then and aided by the Court, in their violations unpunished. Here, Judge Fong refused to listen that Petitioner JCY had a case in Court, not the divorce case; it was a new case JCYee v. AAY Company, who does owe JCY compensation for 20 years, and founder seniority severance pay, where all other employees of AAY Company were paid, and received severance pay when they quit, or retired. After "denial" (APP."C") Judge Fong refused to let JCY's "Notice of Appeal", paid for Nov. 30, 1978, be filed, until Mar. 20, 1979.

Therefore the Hawaii Supreme Court's perpetration violations were/are traumatic, regarding:

1. Why does Hawaii Supreme Court† condone Judge Fong's† "dismissing" a case that was not in Fong's court, or on his calendar?

2. Why did Hawaii Supreme Court ignore JCY's four letters requesting supervision/order that Judge Fong file the Notice of Appeal, paid for 11/30/78; without probable cause?

3. Why did Hawaii Supreme Court refuse to file JCY's

† Azar v. Conley, Santiago v. Philadelphia and all Rulings

++ Ruling In Re: Ledwith pled.

"Motion for Extension of Time to File Opening Brief", knowing the Notice of Appeal was being detained in Hawaii Circuit Court?

4. Why does the present new membered Hawaii Supreme Court condone, perpetrate, and contribute to the judicially instigated violations (part VIII.A.1) depriving equal protection of the laws for Petitioner Pro Se, who never perjured, or deliberately delayed the case(s)?

5. Why is there no equal protection of the laws for JCY's right(s) as ex-founder, to collect severance compensation for working 20 years for one company AAY & Associates, Inc. (and predecessor Park and Yee), even if it was only as silent partner consultant for the Company president, Respondent AAY, prospered, and his Company grew to a sixty-six man Company; as promised (an oral contract)?

IX. ARGUMENTS RELIED ON FOR THIS WRIT

A. This Petitioner Pro Se Janice Ching Yee believes that this Extraordinary Writ "will be in aid of the Court's appellate Jurisdiction" with "present exceptional circumstances warranting the exercise of the Court's discretionary power, and that adequate relief cannot be had in any other form or from any other Court"; as proven by the many racial, types, of "invidious discriminatory animus" situations shown by the lower courts pled to, especially where Hawaii's courts under color of state law, have shown blatant disregard of the "equal protection" clause of the U.S.Constitution, the foundation of all American Law; whereof this Court has the JURISDICTION for this Extraordinary Writ, with action arising from Title 28, Chap. 111, sec. 1651(a); Chap. 133, sec. 2101 (c) and 2106; and Title 42, Chap. 21, sec. 1981,1982,1983, 1985,1986 and 1988; This Court's RULE 17(1)(b&c) and RULE 26, with use of RULE 18, "with deviation from normal appellate practice" for "immediate settlement by this Court" to avoid further embarrassment to the Law profession, who does owe legal Petitioner Pro Se Janice Ching Yee, REDRESS, as pled.

B. Petitioner JCY believes also that REDRESS of JCY, as honorable, capable Americanborn woman resident of Hawaii, USA, is for the moment, of "imperative public importance as

to justify the deviation from normal appellate practice" of RULE 18 of this Court, for America; for renewed confidence in American Jurisprudence, and against State officials' conspired "misuse of power", as dangerous.

C. Petitioner believes same JCY pled well enough as "Pro Se", privileged by Title 28, Chap. 111, Sec. 1654, for any good Court to comprehend JCY's merits for claims for REDRESS of Petitioner "Pro Se" JCY, as individual American-born oriental woman, who never failed to assert any Constitutional Rights available for Petitioner's "day in court", not given yet, since all cases regarding Petitioner's injured "civil rights" have not come to trial, so no real Judgement has been given; especially JCY's recent case #81-0148 in U.S. District Court, appealed as USCA(9th)#81-4326, appealed as USSC #81-1500; all with merit* and reasons for claims; to include all cases to this case, for proper adjudication as one big case for JCY here, as Petitioner. "White v. Bloom" (APP."G") is most pertinent, and all Rulings are applicable.

D. Petitioner believes this can be done; because of "present exceptional circumstances warranting the exercise of the Court's discretionary powers, and that adequate relief cannot be had in any form or from any other court", since the other courts have proven their "invidious discriminatory animus" for perpetrated injury of Petitioner, hurt eleven years; eight years as Complainant (Appellant) Pro Se, for Summary Judgment Redress, with merit for claims, as demanded.

E. Petitioner claims that the Hawaii Family Court instigated the prejudiced violations and bias for Respondent AAY, and his Company, wherefore Petitioner's "day in court not given" does not apply to the Mar. 1, 1973 divorce decree judgment of a real trial; and does apply from Petitioner's pleas by self, from May, 1975, which included (1) reversal of order for loss of "temporary custody" to JCY, ordered Mar. 1, 1973; (2) reversal of the "guardian ad litem" order, or expungement, and reversal of the "double jeopardy" "incapacitated" need for the restraintive "court commissioner" still in effect; and (3) order for equitable one sum divorce settlement of $3 million from both Respondents AAY, and AAY & Associates, Inc., together; deducting paid amounts of alimony and Notes "A"&"B"; and including the insurance policy values,

* In Re: Ledwith v. International Paper Co., and all Rulings.

life support alimony as equitable divorce settlement, severance compensation, and with clearance of JCY's good reputation and name; with official order of custody (earned) "nunc pro tunc" from Mar. 1, 1973, permanently for JCY, for this complete one-sum settlement. Unfairly, Rspdt. AAY had the titled position of custody, but he cared for the children 1–2 days a week; thereby cheating Petitioner of equal rights for reputation, and of child support moneys for child care 5–6 days weekly, on alimony which was cruelly ordered at 2/3 of JCY's "fixed expenses"; and it was only 20–25% of AAY's income, once earned with Petitioner's help, as pled.

F. Petitioner's injury of civil rights deprived, included "day in court not given" for prosecution against violations pled of, by conspirators, where many benefitted by the assassinatory libelled restraint of JCY, with unfair losses v. Gov. Ariyoshi's third term unfair gain, where Ariyoshi spent over $2 million, thereby owing many contributors, and depriving honest citizens like JCY, for equal opportunity and fair competition, injured by no protection against oppressive suppression by (Japanese) Social Worker Nagahisa's deceptive perjury, watched over by unknown conspirators reporting of JCY's "freedom of speech", or "freedom of the press", with Pi PRESS, Inc. free entrepreneur being restrained also, or "freedom of choice" to live American with equal right for equal protection of the laws for JCY too, for Right for the "pursuit of happiness" as successful businesswoman, with equal opportunity and fair competition in all matters, with "probable cause" for prosecution of Respondents and all Contributory Respondents as Respondents; wherefore both AAY, and AAY & Associates benefitted eleven years from judicial misconduct resulting in obstruction for gross cheat perpetration, vexatious delay of JCY's life, liberty, and pursuit of happiness; without reasonable interest income from the loans forced by Judge Vitousek's malice. Therefore prosecution of Respondents, was judicious, and justified for JCY, wherefore Contributory Respondents named, are also liable and guilty.†

G. This Court could stop the bad faith judicially instigated frivolous violations, causing intrinsic fraud entrapment; and thereby exonerate this Court, with grateful thanks from Petitioner, and all of the American public; for Petitioner never

† Jillson v. Caprio, White v. Bloom, and all Rulings.

was "incapacitated" as ordered by Judge Vitousek, causing extreme deprivations or rights and moneys. Being capable, Petitioner feels more injured than other citizens who unknowingly wouldn't feel the traumatic injury or humiliation by judicial assassinatory frivolity, depriving of equal protection of the law for JCY's Rights, and, for in Court; not as chattel, being coerced by judicial ordered condoned unconstitutionality, conspired in result.

H. This Court could bring up each/every petition (or pleading) regarding this matter of these cases for this Joint Petition; for review for all matters of cases presented, joined with this Court's permission, with prayers for the discretion of the Justices to glean the pertinent subject matter useable for Redress of this case, including matter from USSC#75-1143 filed 2/12/76; USSC#75-1429 filed 4/7/76; USSC#77-1072 filed 1/18/78, and USSC#81-1500 filed 1/13/82, wherefore, these Rspdts. never filed an Opposing Brief in USSC; as proof of JCY's assertion to live American; with part and parcel for Summary Judgment Redress for Janice Ching Yee, Petitioner Pro Se, with action arising from all LAW pled, for financial and judicial redress for JCY, who suffered traumatic, financial, social prestige, and time lost damages,* through eleven years of trying to recover moneys and reputation, and make up for blessed time lost; wherefore "denials" cause judicial entrapment, to plead against the unconstitutionality or lose everything earned honestly, with best work effort. For this JCY sends certified portions of the Record(s) on Appeal, for best determination of this case, including (in separate parcel):

1. USDC(Hi)#81-0148 in EXCERPTS APPENDIX of USCA(9th)#81-4326 with orders for #81-0148 appended as APP. "D"–1

2. USCA(9th) #81-4326, with orders appended: APP"D"–2.

3. USSC#81-1500, with orders appended as APP"D"–3.

4. HFC#FC–D:81258, with pertinence of orders/last pleas; for this case, with orders appended as APP. "C"–1.

5. HCC#55669, with orders appended as APP."C"–2.

6. HSC#7067, with orders appended as APP."A"–1.

7. HSC#7355, with orders appended as APP."A"–2.

* White v. Bloom, and all Rulings.

X. CONCLUSION:

Petitioner prays for good CONCLUSION, where this Court could direct and/or Order/Grant Summary Judgment* for Janice Ching Yee, as pled, for "redress of grievances", for civil rights injuries not resolved yet, against Respondents/and Contributory Rspdts., who can then continue to work in society, this way; garnisheed; to save taxpayers from expense of incarceration of Respondents all†, and save time/expense; and giving this Court and JCY, precedent; useable by all Americans, and against resultant conspired violations of Title 42's 1981,1982,1983,1985,1986 and 1988 sections; therefore degrading "equal protection of the laws", for JCY, (and all Americans) wherefore Respondents all should be barred from future Government jobs.

Petitioner prays for Grant of this Extraordinary Writ of Certiorari, by Joint Petition; for all REASONS pled, with Jurisdiction.

Mrs. Janice Ching Yee

Mrs. Janice Ching Yee, Petitioner Pro Se
at: 3769 Alika Ave., Honolulu, HI 96817
ph: (808) 595-3426

Dated, this April 29, 1983.

* per CROA: USDC(Hi)#81-0148: #9, EXH. 39+(a); and APP. "A"– No. 1 to 24, No. 26 & 27; add additional future APPENDICES reserved for demand for summary judgment; as pled.

† Respondents, and Contributory Respondents.

NO. 82 –

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1982

IN RE: JANICE CHING YEE, Petitioner Pro Se,

v.

ALFRED ALPHONSE YEE, Respondent,

and

ALFRED A. YEE & ASSOCIATES, INC., Respondents,

and

CONTRIBUTORY RESPONDENTS INVOLVED†

Respondents.

AFFIDAVIT OF PETITIONER PRO SE

Affiant, as Petitioner Pro Se, Janice Ching Yee here, and as Plaintiff–Appellant Pro Se in Hawaii Supreme Court; is the person who executed the foregoing instrument, and resides at 3169 Alika Avenue, Honolulu, Hawaii, 96817.

I do solemnly swear that I am capable, and that I will conduct myself uprightly and according to law, and also, that I will support the Constitution of the United States.

I have read the same and know the contents thereof, where same Affiant never intends frivolity, perjury, or delay.

The matters stated therein are true to my knowledge, except such matters as are stated to be upon information and belief, and as to those matters, I believe them to be true.

Subscribed and sworn to,
this 22nd day of April, 1983.
/s/ Helen H. Look
Notary Public, First Judicial
Circuit, State of Hawaii
My commission expires: 3/9/86

SEAL

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee
Affiant, Petitioner Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii
96817

† named in II. STATEMENT OF PARTIES INVOLVED'

NO. 82–

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1982

In Re: JANICE CHING YEE, Petitioner,

v.

ALFRED ALPHONSE YEE, Respondent,

and

ALFRED A. YEE & ASSOCIATES, Inc., Respondent,

and

CONTRIBUTORY RESPONDENTS†, Respondents.

CERTIFICATE OF SERVICE

I hereby certify to the best of my knowledge, strict adherence to the Rules specified, whereof this "JOINT PETITION TO THE SUPREME COURT OF THE UNITED STATES, FOR EXTRAORDINARY WRIT TO THE SUPREME COURT OF HAWAII; will be served on Respondents for this day of April 29, 1983.

Attorneys Edward Y. C. Chun, of Chun, Kerr, & Dodd;
for Respondent Alfred Alphonse Yee,
and Respondent Alfred A. Yee & Associates, Inc.
at: Suite 1408, of 700 Bishop Street
Honolulu, Hawaii, 96813

Hawaii Attorney General Tany Hong and Deputy John Campbell;
for Contributory Respondents related to Hawaii State Govt.
at: Hawaii State Capitol, 415 S. Beretania Street
Honolulu, Hawaii, 96813

Attorneys Wm. Fleming & Thos. Crowley, of Cades, Schutte, Fleming, and Wright;
for Contributory Respondents:
Robert G. Hogan, Harold Nickelsen, James E. Koshiba and Hawaii State Bar Association, and Dan Heely
at: Suite 1500, of 1000 Bishop Street
Honolulu, Hawaii, 96813

† named in II. STATEMENT OF PARTIES INVOLVED.

Attorney Albert Gould of A Law Corporation
for Contributory Respondent Dr. Kwong Yen Lum
at: Suite 301 of 225 S. Queen Street
Honolulu, Hawaii, 96813

Attorney John Parks, for self as Contributory Respondent
at: Suite 1640 of 190 South King Street
Honolulu, Hawaii, 96813

Attorney Wm. McCorriston, of Goodsill, Anderson, & Quinn
for Contributory Respondent Edward Y. C. Chun, et al
at: Suite 1600, of 111 South King Street (Financial Plaza)
Honolulu, Hawaii, 96813

Contributory Respondent Stephanie Kokernak
at: 5125 Palaole Place (AAY's residence)
Honolulu, Hawaii, 96816

Hon. U. S. Attorney General Wm. French Smith
for Contributory Respondents related to U. S. Government
yet, Contributory for Hawaii State Government, as
twofold conflict (USDC[Hi])
at: U. S. Department of Justice
Washington D.C., 20350

Hon. U. S. Solicitor General Rex E. Lee
at: U. S. Department of Justice
Washington, D.C., 20350

Attorneys for Judges of USCA(9th): Alfred Goodwin, Otto
Skopil, Harry Pregerson, and Warren Ferguson;
as Contributory Respondents
at: care of: U.S.Court of Appeals for the 9th Circuit
Box 547 (Seventh & Mission)
San Francisco, California, 94101

Attorneys for Judges of USDC(Hi): Martin Pence, Harold Fong, and Samuel King;
as Contributory Respondents
at: care of: U.S.District Court for the District of Hawaii
300 Ala Moana Boulevard
Honolulu, Hawaii, 96813

All parties to be served, will be served,

Mrs. Janice Ching Yee

Mrs. Janice Ching Yee,
Petitioner Pro Se
at: 3169 Alika Ave.
Honolulu, Hawaii, 96817

Dated April 29, 1983.

APPENDICES

APPENDICES

APP. "A": Final Judgments
APP. "B": Other Reports or Opinions
APP. "C": Judgments for Review Below
APP. "D": Other Relevant Judgments
APP. "E": Law Relied On
APP. "F": Miscellaneous
APP. "G": Rulings Relied On

APPENDIX "A"

"A–1": For Case HSC #7067
"A–2": For Case HSC #7355

NO. 7067
IN THE SUPREME COURT OF THE STATE OF HAWAII
OCTOBER TERM 1982

JANICE CHING YEE, Plaintiff–Appellant,	)	FC–D NO. 81258
vs.	)	
ALFRED ALPHONSE YEE, Defendant–Appellee.	)	
	)	

ORDER

Upon consideration of Defendant–Appellee's motion to dismiss and the papers in support and opposition, and upon consideration of the records and files in this case and in other appeals previously brought by Plaintiff–Appellant before this court,

IT IS HEREBY ORDERED that the appeal be and is dismissed, and all pending motions by Plaintiff–Appellant are denied.

DATED: Honolulu, Hawaii, March 15, 1983.

FILED
1983 Mar 15 PM 12:05
s/s Darrell N. Phillips
Clerk Supreme Court

SUPREME COURT
SEAL
STATE OF HAWAII

FOR THE COURT:
s/s Edward H. Nakamura
Acting Chief Justice
Pro Hac Vice

NO. 7067
IN THE SUPREME COURT OF THE STATE OF HAWAII
OCTOBER TERM 1982

JANICE CHING YEE,	) FC–D NO. 81258
Plaintiff–Appellant,	)
vs.	)
ALFRED ALPHONSE YEE,	)
Defendant–Appellant.	)
	)

ORDER

Upon consideration of Plaintiff–Appellant's "Motion for Reconsideration, With Objection to Obstruction of Justice; and; Motion for Recusal of Justice Nakamura for Prejudice" and the papers in support thereof, the motions are hereby denied. Although this court's order of dismissal dated March 15, 1983 was signed by a single justice, the order was signed "for the court", *i.e.*, on behalf of a full court of five judges. See the orders appointing substitute justices in the instant case.

This court's prior order of dismissal is hereby reaffired. The record on appeal shall be returned forthwith to the trial court.

DATED: Honolulu, Hawaii, March 29, 1983.

FILED
1983 Mar 29 PM 3:13
s/s Darrell N. Phillips
Clerk Supreme Court

SUPREME COURT
SEAL
STATE OF HAWAII

FOR THE COURT:
s/s Edward H. Nakamura
Acting Chief Justice
Pro Hac Vice

NO. 7355
IN THE SUPREME COURT OF THE STATE OF HAWAII
OCTOBER TERM 1982

JANICE CHING YEE, Plaintiff–Appellant, vs. ALFRED A. YEE & ASSOCIATES, INC., Defendants–Appellees.	) CIV. NO. 55669)))))

ORDER

Upon consideration of Defendants–Appellees' motion to dismiss and the papers in support and opposition, and upon consideration of the records and files in this case and in other appeals previously brought by Plaintiff–Appellant before this court,

IT IS HEREBY ORDERED that the appeal be and is dismissed, and all pending motions by Plaintiff–Appellant are denied.

DATED: Honolulu, Hawaii, March 15, 1983.

FILED
1983 Mar 15 PM 12:07
s/s Darrell Phillips
Clerk Supreme Court
SUPREME COURT
SEAL
STATE OF HAWAII

FOR THE COURT:
s/s Edward N. Nakamura
Acting Chief Justice
Pro Hac Vice

NO. 7355
IN THE SUPREME COURT OF THE STATE OF HAWAII
OCTOBER TERM 1982

JANICE CHING YEE, Plaintiff–Appellant, vs. ALFRED A. YEE & ASSOCIATES, INC., Defendants–Appellees.	) CIV. NO. 55669)))))

ORDER

Upon consideration of Plaintiff–Appellant's "Motion for Reconsideration, With Objection to Obstruction of Justice; and; Motion for Recusal of Justice Nakamura for Prejudice" and the papers in support thereof, the motions are hereby denied. Although this court's order of dismissal dated March 15, 1983 was signed by a single justice, the order was signed "for the court", *i.e.*, on behalf of a full court of five judges. See the orders appointing substitute justices in the instant case.

This court's prior order of dismissal is hereby reaffirmed. The record on appeal shall be returned forthwith to the trial court.

DATED: Honolulu, Hawaii, March 29, 1983.

FILED
1983 Mar 29 PM 3:10
s/s Darrell Phillips
Clerk Supreme Court
SUPREME COURT
SEAL
STATE OF HAWAII

FOR THE COURT:
s/s Edward H. Nakamura
Acting Chief Justice
Pro Hac Vice

APPENDIX "B"

Other Reports or Opinions Below Sought to be Reviewed

NO. 7067

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1977

JANICE CHING YEE, Plaintiff–Appellant Pro Se, v. ALFRED ALPHONE YEE, Defendant–Appellee.	FC–D No. 81258 MOTION FOR AN INJUNCTION AND TEMPORARY RESTRAINING ORDER FOR MONETARY RELIEF FOR PLAINTIFF–APPELLANT PRO SE

FILED
1978 JUL 10 PM 3 49
Darrell N. Phillips
Clerk Supreme Court

ORDER

Upon consideration of the "Motion for an Injunction and Temporary Restraining Order for Monetary Relief for Plaintiff–Appellant Pro Se During Pendency of Appellant's Appeal", the motion is hereby denied.

DATED: Honolulu, Hawaii, July 10, 1978.

BY THE COURT:
/s/ William S. Richardson
Chief Justice

SEAL
STATE OF HAWAII

FILED
1979 FEB 16 AM 9:17
Clement J. H. Chun
CLERK SUPREME COURT

IN THE SUPREME COURT OF THE STATE OF HAWAII
OCTOBER TERM 1978

MINUTE ORDER

The following motions for advancement are hereby denied:

1. No. 6408, Estate of Coleman, "Motion for Advancement on Calendar";
2. No. 6513, Dodge v. Sapienza, "Motion to Advance Case on Calendar";
3. No. 6743, Trust Estate of Lopez, "Motion to Advance Case for Argument";
4. No. 6944, Nakamoto v. Fasi, "Motion to Advance Case on the Calendar";
5. No. 6960, Strouss v. Simmons, "Motion to Advance Appeal";
6. No. 7067, Yee v. Yee, "Motion for Advancement on the Calendar.".

DATED: Honolulu, Hawaii, February 16, 1979.

BY THE COURT:
/s/ William S. Richardson
Chief Justice

SEAL
STATE OF HAWAII

STATE OF HAWAII
SEAL

Office of the Chief Clerk of the Supreme Court
The Judiciary • State of Hawaii

William S. Richardson
Chief Justice

P.O.Box 2560
Honolulu, Hawaii
96804
Edward K. Suzuki
Chief Clerk
Samuel K. Makekau
Deputy Clerk

April 4, 1983

Mrs. Janice Ching Yee
3196 Alika Avenue
Honolulu, Hawaii 96817

Dear Mrs. Yee:

I have been instructed to inform you that no action will be taken on the "Objection" documents filed by you today in S.C. No. 7067, *Yee vs. Yee,* and S.C. No. 7355, *Yee vs. Alfred A. Yee & Assoc., Inc.* The documents were inadvertently filed this morning. However the cases in questions have already been closed, and no further documents may properly be filed in them. See Supreme Court Rule 5(e), providing that only one motion for reconsideration may be filed in a case. Therefore your most recent' 'Objection" documents will be disregarded, and they will have no legal effect, because the cases in question have already been finally dismissed. In the future the Supreme Court Clerk's Office will not be able to accept for filing any further documents in the above cases.

Very truly yours,

s/s Samuel K. Makekau
Chief Clerk

SKM:lea

APPENDIX "C"

Judgments for Review Below, Sought to be Reviewed

1ST CIRCUIT COURT
STATE OF HAWAII
FILED
1978 JUN -9 PM 4:45
Y. BABA
CLERK

IN THE FAMILY COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE, Plaintiff, vs. ALFRED A. YEE, Defendant.	FC-D No. 81258 ORDER DENYING RELIEF SOUGHT BY ORDER TO SHOW CAUSE AFTER ORDER OF DECREE.

ORDER DENYING RELIEF SOUGHT BY
ORDER TO SHOW CAUSE AFTER ORDER OR DECREE

At a hearing on June 2, 1978, set pursuant to the Order to Show Cause After Order of Decree heretofore filed on May 12, 1978 and continued pursuant to the Stipulation of the parties, this Court heard the evidence and arguments presented by the Plaintiff appearing pro se, and by Defendant and Defendant's counsel.

In the course of the hearing, it appeared to the Court that the Plaintiff believed that there had not yet been entered final order dividing and distributing the marital estate of the parties. In fact, such final order entitled "Sixth Supplemental Decision and Order Providing for Division and Management of Property . . ." was entered on April 4, 1975. Plantiff's assertion that she has not been awarded a final distribution of her share of the marital assets is wrong. She has been awarded all of her portion of the marital assets. She will not receive anymore.

However, as noted by this Court's Order dated April 21, 1978, the Plaintiff may assert such claims as may be properly raised by an Order to Show Cause After Order or Decree, for example, the adequacy or not of alimony awarded; questions relating to the custody of the parties' minor son, IAN; and the compliance or non-compliance by the parties with Orders previously entered by the Court.

For the foregoing reasons and notwithstanding the claims made by Plaintiff, this Court treated the hearing of June 2,

I do hereby certify that this is a full, true and correct copy of the original on file in this office.
Y. Baba
Clerk, Circuit Court, First Circuit

1978 as a hearing only on the questions of the adequacy of alimony and of whether the interests of IAN would be better served by a change in the Order of July 30, 1973 awarding legal custody of the parties' minor children to Defendant.

On the basis of the evidence, the Court concluded that the best interests of the parties' minor son, IAN, requires that he continue in the custody of the Defendant subject, however, to Plaintiff's rights of reasonable visitation; and that the formula for determing alimony contained in the "Sixth Supplemental Decision and Order Providing for Division and Management of Property . . ." actually generates reasonable alimony sufficient for the Plaintiff to pay for the reasonable costs of her reasonable expenses. Plaintiff's stated needs in excess of current alimony are almost wholly attributable to her land investments in the States of Washington and Arizona and her individual proprietorship, Pi Press. The costs of such activities is not a proper basis for an increase in alimony or for the acceleration of the promissory note heretofore awarded to Plaintiff as part of the division of property.

Accordingly, and Good Cause Appearing Therefor, IT IS ORDERED that the relief claimed by Plaintiff is denied and that the Order to Show Cause After Order or Decree is and the same is hereby dismissed.

IT IS FURTHER ORDERED that the Clerk of this Court shall not hereafter permit to be filed in this action any pleadings which name or purport to name Alfred A. Yee & Associates as a defendant, this Court confirming and ratifying its Order of March 30, 1978 that it has no jurisdiction over Alfred A. Yee & Associates or Alfred A. Yee & Associates, Inc. in these proceedings.

DATED at Honolulu, Hawaii, June 9 1978.

/s/ James S. Burns
JUDGE OF THE ABOVE ENTITLED COURT

cc: Mrs. Janice Ching Yee, Pro se/Plaintiff
Edward Y. C. Chun, Esq., counsel for Defendant.

SEAL
STATE OF HAWAII

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1978 AUG 7 AM 10:39
R. S. YAMADA
CLERK

IN THE FAMILY COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE, Plaintiff, vs. ALFRED A. YEE, Defendant.	FC–D No. 81258 ORDER DENYING "OBJECTION TO JUDGE'S DENIAL AND/OR IN THE ALTERNATIVE, MOTION FOR RELIEF OF JUDGMENT OR RE-CONSIDERATION OF RELIEF", FILED ON JUNE 14, 1978.

ORDER DENYING "OBJECTION TO JUDGE'S DENIAL AND/OR IN THE ALTERNATIVE, MOTION FOR RELIEF OF JUDGMENT OR RECONSIDERATION OF RELIEF", FILED ON JUNE 14, 1978

The Court has reviewed Plaintiff's "Objection to Judge's Denial and/or in the Alternative, Motion for Relief of Judgment or Reconsideration of Relief", filed on June 14, 1978.

It is the decision of the Court that no good cause exists to grant Plaintiff's motion. The matters discussed in Plaintiff's memoranda were fully considered by the Court when the Court entered its order on June 9, 1978.

THEREFORE, the Court exercises its discretion and denies the Plaintiff's motion without hearing.

DATED: Honolulu, Hawaii, Aug. 7, 1978

/s/ James S. Burns
JUDGE OF THE ABOVE ENTITLED COURT

cc: Mrs. Janice Ching Yee, Plaintiff/Pro se
Edward Y. C. Chun, Esq., attorney for Defendant

1ST CIRCUIT COURT
STATE OF HAWAII
FILED
1978 AUG 23 PM 1:42
R. S. YAMADA
CLERK

IN THE FAMILY COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE, Plaintiff, vs. ALFRED ALPHONE YEE, Defendant.	FC–D No. 81258 ORDER DENYING "OBJECTION AND MOTION FOR RECONSIDERATION OR REHEARING" FILED ON AUGUST 11, 1978

ORDER DENYING "OBJECTION AND MOTION FOR RECONSIDERATION OR REHEARING" FILED ON AUGUST 11, 1978

The Plaintiff's "Objection and Motion for Reconsideration or Rehearing", filed on August 11, 1978, came on for hearing before the Honorable James S. Burns on August 22, 1978, JANICE CHING YEE, Plaintiff, Pro se and Movant, being present. The Court permitted the voluntary absence of Defendant and his attorney, Edward Y. C. Chun, from the hearing but noted for the record Defendant's objection to Plaintiff's motion.

After full consideration of Plaintiff's oral and written arguments, it is the decision of the Court that no good cause exists to grant Plaintiff's motion.

THEREFORE, Plaintiff's motion is denied.

DATED: Honolulu, Hawaii, this 23rd day of August, 1978.

/s/ James S. Burns
Judge of the above-entitled Court

cc: Janice Ching Yee, Plaintiff, Pro se
Edward Y. C. Chun, Esq., for the Defendant

EDWARD Y. C. CHUN #158–0
of CHUN, KERR & DODD
Suite 1408, Amfac Building
700 Bishop Street
Honolulu, Hawaii 96813
Telephone No: 531-6575

Attorney for Defendant
ALFRED A. YEE & ASSOCIATES, INC.

1ST CIRCUIT COURT
STATE OF HAWAII
FILED
1978 NOV –2 AM 11:17
R. S. YAMADA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE, Plaintiff Pro Se, vs. ALFRED A. YEE & ASSOCIATES, INC., Defendant.	CIVIL NO. 55669 ORDER DISMISSING COMPLAINT

ORDER DISMISSING COMPLAINT

Plaintiff Pro Se on September 13, 1978 filed a Complaint against Alfred A. Yee & Associates, Inc., essentially asserting her claim for "severance pay" from the Defendant corporation for work as a "silent business partner" arising out of her marriage to Alfred A. Yee, the Defendant corporation's president.

Thereafter, and on October 16, 1978, Plaintiff Pro Se filed a Motion for Joinder of Contributory Defendants.

Defendant corporation's Motion to Dismiss and Plaintiff Pro Se's Motion for Joinder of Contributory Defendants, as well as Plaintiff Pro Se's Motion to Strike Defendant's Motion to Dismiss, were heard on October 23, 1978.

Based upon the argument presented at said hearing on October 23, 1978, and based upon the record of proceedings in FC–D No. 81258, Civil Nos. 44869, 44240, 44245, 45123, 44263, 44244, 44262 and 44578, it is patently obvious that Plaintiff Pro Se in filing the within action is attempting to relitigate matters in respect of which Plaintiff Pro Se has been fully heard and in respect of which she is barred by the doctrine of res adjudicata.

It is, therefore, Ordered that Civil No. 55669 be and the same is hereby dismissed with prejudice.

In order that Plaintiff Pro Se not further abuse the judicial process, it is further Ordered that the Clerk of this Court shall not accept any further pleadings, motions or appeals from Plaintiff Pro Se asserting claims involving the same substantive matters asserted in the present proceeding amd om tje ca

matters assered in the present proceeding and in the cases above enumerated against Defendant Alfred A. Yee & Associates, Inc; Edward Y. C. Chun and/or Chun, Kerr & Dodd; Robert G. Hogan and/or Hogan, Rother, Grimes & Bybee; Harold Nickelsen and/or Controy, Hamilton, Gibson, Nickelsen & Rush;; Gerry Nagahisa, social worker, and/or the Adult Service Branch of the State of Hawaii's Family Court, First Circuit, and Dr. Betty Adams, psychiatrist, and/or Hawaii's Department of Health; Stephanie Kokernak; Robert A. Franklin; James E. Koshiba and/or the Hawaii State Bar Association; Betty Vitousek, Judge, and/or the Family Court of the First Circuit of the State of Hawaii, and Norito Kawakami, Judge.

While this Court, in the exercise of its discretion, does not enter its order in the within proceedings assessing to Plaintiff Pro Se the costs and attorney's fees of Defendants, if Plaintiff Pro Se shall, in the future, institute further litigation on the same substantive subject matter asserted in this case of the cases above enumerated, she shall be subject to the payment of all costs and reasonable attorney's fees hereafter incurred by the abovenamed Defendants.

DATED at Honolulu, Hawaii, Odtober 31, 1978.

/s/ A. Fong
JUDGE OF THE ABOVE–ENTITLED COURT

FIRST CIRCUIT COURT
SEAL
STATE OF HAWAII

Approved as to form:
/s/ Edward D. Boyle for
Cades Schutte Fleming & Wright, Attorneys for Robert G. Hogan and/or Hogan, Rother, Grimes & Bybee, Harold Nickelsen and/or Controy, Hamilton, Gibson, Nickelsen & Rush, and James E. Koshiba and/or The Hawaii Bar Association

(I do not believe in the Order; which makes the "form" illegal)
JANICE CHING YEE
Plaintiff Pro Se

APPENDIX "D"

Judgments for Cases:
1. USDC (Hi) #81-0148
2. USCA (9th) #81-4326
3. USSC #81-1500
4. HFC—D#81258 (and all CROA)

all included for possible reversal.

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
JUNE 5 1981
at 1 o'clock and 15 min PM
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JANICE CHING YEE, Plaintiff, v. HAROLD SHINTAKU, et al., Defendants.	CIVIL NO. 81–0148 ORDER DISMISSING COMPLAINT

ORDER DISMISSING COMPLAINT

The complaint filed by Janice Ching Yee on May 4, 1981, including the first, second and third amendments to the complaint, are hereby DISMISSED by this Court, sua sponte, for failure to contain a short and plain statement of the grounds upon which this Court's jurisdiction depends, and for failure to contain a short and plain statement of a claim showing that plaintiff is entitled to relief as required by Fed. R. Civ. P 8*a)(1) and 8(a)(2).

The complain is hereby DISMISSED, along with the first, second and third amendments, on the additional ground that they violate the requirements of Fed. R. Civ. P. 8(e)(1) because the averments of plaintiff's complaint and amendments are not simple, concise and direct.

This Court takes notice of plaintiff's lengthy history of litigation in the State Courts of Hawaii and, in particular, the various orders of the Supreme Court, the Family Court, and the Circuit Court of the State of Hawaii which have barred the Court Clerks from accepting any further motions, pleadings or appeals from plaintiff regarding her divorce proceedings and any other litigation generated by plaintiff which has arisen out of those divorce proceedings. This background to plaintiff's complaint, as well as this Court's analysis of plaintiff's complaint, amendments and motions filed in this action support this Court's conclusion that plaintiff's claims are

wholly insubstantial and frivolous, immaterial and made solely for the purpose of obtaining jurisdiction in the Federal Courts.

The complaint is DISMISSED with prejudice, without further leave to amend, and each party will bear its own costs.

SO ORDERED.

DATED: Honolulu, Hawaii, June 5, 1981.

/s/ Walter M. Heen
United States District Judge

Civil No. 81-0148
Janice Ching Yee v. Harold Shintaku, et al.
Order Dismissing Complain

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF HAWAII

JANICE CHING YEE,	)	CIVIL ACTION FILE NO.
vs.	)	81-0148
HAROLD SHINTAKU, et al.	)	
	)	JUDGMENT
	)	

This action came on for consideration before the Court, Honorable WALTER HEEN, United States District Judge, presiding, and the issues having been duly reviewed and a decision having been duly rendered,

It is Ordered and Adjudged that the Complaint is hereby DISMISSED with prejudice.

Dated at Honolulu, Hawaii, this 5th day of June, 1981

/s/ Walter A. Y. H. Chinn
Clerk of Court

cc: Yee, Garcia, Farrell, McCorriston, Crowley, Chun, Kokernak

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
JUN 5 1981
WALTER A.Y.H. CHINN, CLERK

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
JUN 16, 1981
at 1 o'clock and 05 min. P.M.
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JANICE CHING YEE, Plaintiff, v. HAROLD SHINTAKU, et al., Defendants.	CIVIL NO. 81–0148 ORDER DENYING MOTION FOR NEW TRIAL; DENYING MOTION FOR RECUSAL OF JUDGE; DENYING MOTION FOR SUMMARY JUDGMENT

ORDER DENYING MOTION FOR NEW TRIAL; DENYING MOTION FOR RECUSAL OF JUDGE; DENYING MOTION FOR SUMMARY JUDGMENT

On June 5, 1981, this Court's Order Dismissing Plaintiff's Complaint With Prejudice was filed. On June 9, Plaintiff filed a 23-page document self-styled as (1) Motion For New Trial And Relief From Judgment Or Order; (2) Motion For Recusal Of Judge Walter Heen For Prejudice And For Joinder of Walter Heen As Ex-U.S. District Attorney, As Contributory Defendant, and (3) Re-Motion For Summary Judgment For Plaintiff Pro Se.

While the document is not as lengthy as the original 139-page complaint (not including exhibits attached thereto), it is nonetheless as completely devoid of logical statements for relief as that complaint and its amendments.

Plaintiff is clearly not entitled to a new trial for the reason that there never was a trial in this matter in this Court. Furthermore, Plaintiff shows no reason in law or fact for the granting of relief from the order which dismissed this action.

Plaintiff's Motion for Recusal comes too late to be considered by this Court. In addition, the Plaintiff's allegations

are not in affidavit form and not made under oath. Title 28, United States Code, Section 144, requires that the challenging party file such an affidavit stating facts and reasons for recusal not less than ten days before the beginning of the term at which the proceeding is to be heard.

The Court has nonetheless examined the allegations made by Plaintiff and finds that they do not contain facts and reasons for belief that any bias or prejudice exists on the part of this Court regarding her allegations in the complaint. Plaintiff alleges that she conferred with me while I served as U. S. Attorney regarding her desires to have the Justice Department or the F.B.I. investigate her complaints. My denial of her requests are now characterized by her as "malevolent disinterest." None of her allegations indicate any bias or prejudice against Plaintiff with respect to the present suit.

Plaintiff has also moved to have me joined as "contributory defendant." It should be noted that Plaintiff has named as Defendants in her suit the Supreme Court of the United States and the Supreme Court of the State of Hawaii, eight judges or former judges of the Hawaii State Circuit Court, members of the State Judicial Qualification Commission, the Governor of the State of Hawaii, the Disciplinary Counsel and Ex-Disciplinary Counsel of the State of Hawaii, six attorneys, two psychiatrists and a social worker, her husband and his engineering firm, and one private individual. Obviously, Plaintiff has joined in her suit any person who she feels has created or contributed to a need for, and failure to get, redress. She now seeks to join me apparently for the reason that I have dismissed her action, thus depriving her of a forum. Because Plaintiff's complaint has been dismissed with prejudice, her motion to have me joined as a Defendant obviously cannot be granted.

Plaintiff has submitted what she styles as Motions For Summary Judgment against all of the Defendants. Not only are these motions unaccompanied by any documents or material which indicate that there are no genuine issues of material fact, but they too have been made subsequent to the dismissal of this action and are, therefore, not timely.

All of Plaintiff's motions are DENIED.

IT IS FURTHER ORDERED, that the Clerk of this Court is directed not to accept any further motions or pleadings from

Plaintiff in this matter.

DATED: Honolulu, Hawaii, June 16, 1981.

/s/ Walter M. Heen
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JANICE CHING YEE, Plaintiff, vs. HAROLD SHINTAKU, et al., Defendants.	)	CIVIL NO. 81-0148 FILED IN THE UNITED STATES DISTRICT COURT DISTRICT OF HAWAII MAY 14 1982 at 9 o'clock and 17 min. am. WALTER A.Y.H. CHINN, CLERK

ORDER

On June 16, 1981, Judge Walter M. Heen issued an order in the above-captioned case that directed the Clerk of the Court "not to accept any further motions or pleadings from Plaintiff in this matter."

The plaintiff has now asked the Court to permit her to file with the Court what she styles a motion pursuant to Federal Rule of Civil Procedure 60(b). Without passing on the wisdom of Judge Heen's previous Order, the Court now finds that the interests of justice would be served by suspending Judge Heen's Order to the extent permitting plaintiff to file her motion.

IT IS THEREFORE ORDERED that the Clerk of the Court is directed to accept for filing plaintiff's motions or other pleadings in this matter until further order of the Court.

DATED: Honolulu, Hawaii, May 14, 1982.

/s/ Samuel P. King
United States District Judge

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
JUN 24 1982
AT 2 O'clock and 12 min PM
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JANICE CHING YEE, Plaintiff, vs. HAROLD SHINTAKU, JUDGE, ET AL Defendants,	) CIVIL #81-0148) ORDER DENYING MOTIONS AND FORBIDDING ACCEPTANCE OF FURTHER PLEADING

ORDER DENYING MOTIONS AND
FORBIDDING ACCEPTANCE OF FURTHER PLEADINGS

On June 16, 1981, Judge Walter M. Heen issued an Order in the above-captioned case directing the Clerk of this Court "not to accept any further motions or pleadings from plaintiff in this matter." The record shows that on June 5, 1981, Judge Heen, taking note of "plaintiff's lengthy history of litigation in the state courts of Hawaii and, in particular, the various orders of the Supreme Court, the Family Court, and the Circuit Court of the State of Hawaii, which have barred the court clerks from accepting any motions, pleadings, or appeals from the plaintiff regarding her divorce proceedings and any other litigation generated by the plaintiff which has arisen out of those divorce proceedings," and seeing that the plaintiff's complaint before him was litigation generated by the plaintiff arising out of those state divorce proceedings, found that the plaintiff's claims were "wholly insubstantial and frivolous, immaterial, and made solely for the purpose of obtaining jurisdiction in the federal courts." Judge Heen dismissed the complaint, with prejudice, without further leave to amend.

Thereafter, plaintiff appealed Judge Heen's orders of June 5 and June 16, 1981 to the Court of Appeals for the Ninth

Circuit, and on September 24, 1981 the Court of Appeals for the Ninth Circuit summarily affirmed Judge Heen. Nothing daunted, plaintiff petitioned the Court of Appeals for reconsideration of that order. On October 15, 1981, the Court of Appeals denied her petition for reconsideration of the September 24, 1981 affirmance order. Nevertheless, plaintiff again petitioned the appellate court for reconsideration of its October 15, 1981 order, and moved for reinstatement of her appeal. On November 27, 1981, the Court of Appeals denied plaintiff's petitions. Thereafter, on March 22, 1982, certiorari was denied by the United States Supreme Court.

In the face of the above, for reasons not set forth in his order, on May 14, 1982 Chief Judge Samuel P. King, "[w¼ithout passing on the wisdom of Judge Heen's previous Order," nevertheless decided that in "the interests of justice" Judge Heen's Order, "to the extent permitting plaintiff to file her motion", was suspended, and the Clerk of the Court was "directed to accept for filing plaintiff's motions or other pleadings in this matter until further order of the Court." Thereafter, on May 14, 1982, plaintiff filed a 12-page "Motion For Relief From Judgment And Order; Motion For New Trial And Due Process For Case #81–0148 . . . Motion For Joinder (And Specifying) Of New Contributory Defendants . . . and Motion For Summary Judgment." With the Motion was attached a one-half-inch thick compilation of appendices and exhibits. On June 22, 1982, plaintiff filed an "Additional Exhibit of Proof of Service".

The facesheet on this Order lists every defendant against whom the plaintiff is making claims. It includes every person whom plaintiff believes has had anything to do with her complaints, both in the state and federal courts, since July 1973. In her present pleadings, she has added as additional and new defendants U. S. District Judge Heen, and Judges Goodwin, Skopil, Pregerson and Ferguson of the Court of Appeals for the Ninth Circuit, as well as Chief Justice Warren Burger and Justices. Rehnquist, Marshall, Powell, Blackmun, White, Brennan, Stevens, and O'Connor of the United States Supreme Court.

After reviewing the instant Motions, this court can but agree with Judge Heen that all are "completely devoid of logi-

cal statements for relief". Therein, plaintiff has shown no reason in law or fact for granting the relief she requests. Plaintiff has shown no facts entitling her to any relief under Rule 59, F. R. Civ. P., nor have the Motions been filed within the ten days, as provided under Rule 59(b) and (c), F. R. Civ. P. Plaintiff has set forth nothing in her moving papers which entitles her to any relief under Rule 60(b), F. R. Civ. P.

Plaintiff's Motion for Joinder of "new contributory defendants", i.e., the federal justices and judges who have been involved in this case since May 4, 1981, sets forth no facts upon which this court could properly permit them to be joined under Rules 19 or 20, F. R. Civ. P. There are no uncontroverted facts set forth in the moving papers which, by any stretch of the imagination, would entitle the plaintiff to a judgment of any sort, least of all a summary judgment under Rule 56, F. R. Civ. P., against any of the named defendants.

In short, plaintiff's Motions should properly be characterized as an attempted abuse of judicial process.

Each and all of the plaintiff's Motions are DENIED, sua sponte, without hearing.

The Clerk of this Court is ORDERED to notify any named defendants upon whom plaintiff has attempted service that all of her motions have been denied, and it will not be necessary for any named defendant to make any Answer thereto.

IT IS FURTHER ORDERED that the Clerk of this Court is directed not to accept any further motions or pleadings of any sort from the plaintiff involving this Civil Action #81-0148, or any further pleadings or motions from the plaintiff regarding her prior divorce proceedings in the courts of the State of Hawaii, as well as any other litigation generated by the plaintiff which has arisen, or may arise, out of thos prior divorce proceedings.

DATED: Honolulu, Hawaii, June 24, 1982

/s/ Martin Pence
UNITED STATES DISTRICT JUDGE

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
AUG 10 1982
at 2 o'clock and 20 min. P.M.
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JANICE CHING YEE, Plaintiff, vs. HAROLD SHINTAKU, JUDGE, et al., Defendants.	CIVIL NO. 81-0148

ORDER

On June 24, 1982, Judge Martin Pence issued an order in this case that, inter alia, directed the Clerk of the Court not to accept any further motions or pleadings of any sort from the plaintiff involving this action or any further pleadings regarding the plaintiff's divorce proceedings in the courts of the State of Hawaii.

The plaintiff on three separate occasions, June 30, July 5 and August 6, 1982, has now again requested the court to accept her further pleadings in this matter.

I concur fully with Judge Pence's order of June 24, 1982, and therefore decline to approve the plaintiff's request.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, August 9, 1982.

/s/ Samuel P. King
United States District Judge

FILED
JUL 23 1981
RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, Plaintiff/Appellant, vs. HAROLD SHINTAKU, Judge, et al., Defendant and Contributory Defendants by Joinder, BETTY VITOUSEK, Judge, et al.; KWONG YEN LUM, Psychiatrist; JOHN PARKS, Attorney; NORITO KAWAKAMI, ex-Judge, et al.; EDWARD Y.C.CHUN, et al., Attor- neys; ROBERT G. HOGAN, Attorney; DR. BETTY ADAMS, Psychiatrist, and BERRY NAGAHISA, Social Worker, et al., Defendants/Appellees.	)	No. 81–4326 D.C. #CV 81-0148 WMH HAWAII ORDER

Before: CANBY, Circuit Judge.

The court grants appellant permission to file an original and four (4) copies of a pro se opening brief. Appellant shall also file with her opening brief five (5) copies of excerpts of the clerk's record. See 9th Cir. R. 13.

/s/ William C. Canby, Jr.
United States Circuit Judge

1–J 7/15/81

FILED
SEP 24 1981
CLERK, U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, Plaintiff/Appellant, vs. HAROLD SHINTAKU, Judge, et al., Defendant and Contributory Defendants by Joinder, BETTY VITOUSEK, Judge, et al.; KWONG YEN LUM, Psychiatrist; JOHN PARKS, Attorney; NORITO KAWAKAMI, ex-Judge, et al.; EDWARD Y.C.CHUN, et al., Attor- neys; ROBERT G. HOGAN, Attorney; DR. BETTY ADAMS, Psychiatrist, and BERRY NAGAHISA, Social Worker, et al., Defendants/Appellees.	)	No. 81–4326 D.C. #CV 81-0148 WMH HAWAII ORDER

Before: PREGERSON and FERGUSON, Circuit Judges.

Appellees' motion to dismiss appeal or to affirm, or in the alternative, to strike appellant's opening brief is granted, and the district court's judgment dismissing the complaint and action with prejudice is summarily affirmed. See Page v. United States, 356 F. 2d 337 (9th Cir. 1966).

All other pending motions filed in this appeal are denied as moot.

FILED
OCT 15 1981
CLERK, U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, Plaintiff/Appellant, vs. HAROLD SHINTAKU, Judge, et al., Defendant and Contributory Defendants by Joinder, BETTY VITOUSEK, Judge, et al.; KWONG YEN LUM, Psychiatrist; JOHN PARKS, Attorney; NORITO KAWAKAMI, ex-Judge, et al.; EDWARD Y.C.CHUN, et al., Attor- neys; ROBERT G. HOGAN, Attorney; DR. BETTY ADAMS, Psychiatrist, and BERRY NAGAHISA, Social Worker, et al., Defendants/Appellees.	)	No. 81—4326 D.C. #CV 81-0148 WMH HAWAII ORDER

Before: PREGERSON and FERGUSON, Circuit Judges.

Appellant's petition for reconsideration of the court's September 24, 1981 order summarily affirming the district court's judgment in this case is denied.

Appellant's motion to amend and supplement pleadings for the emergency motion is denied as moot.

MoCal 9/21/81

FILED
NOV 27 1981
CLERK, U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, Plaintiff/Appellant, vs. HAROLD SHINTAKU, Judge, et al., Defendant and Contributory Defendants by Joinder, BETTY VITOUSEK, Judge, et al.; KWONG YEN LUM, Psychiatrist; JOHN PARKS, Attorney; NORITO KAWAKAMI, ex-Judge, et al.; EDWARD Y.C.CHUN, et al., Attor- neys; ROBERT G. HOGAN, Attorney; DR. BETTY ADAMS, Psychiatrist, and BERRY NAGAHISA, Social Worker, et al., Defendants/Appellees.	)	No. 81–4326 D.C. #CV 81-0148 WMH HAWAII ORDER

Before: PREGERSON and FERGUSON, Circuit Judges

The court issues the following order:

(a) appellant's petition for reconsideration of the court's October 15, 1981 order denying her petition for reconsideration of the summary affirmance order entered on September 24, 1981 is denied; and

(b) appellant's supplement pleadings, construed as a motion for reinstatement of the appeal, is denied; and

(c) the time under Fed. R. App. P. 41(a) is hereby shortened, and the clerk is instructed to issue the mandate forthwith.

MoCal 9/21/81

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D.C. 20543

January 25, 1982

Ms. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii 96817

RE: Janice Ching Yee v.
Harold Shintaku, Judge, et al.
A–593

Dear Ms. Yee:

The Court today entered the following order in the above-entitled case:

"The application for stay addressed to Justice O'Connor and referred to the Court is denied."

Very truly yours,
ALEXANDER L. STEVAS, Clerk
By /s/ Francis J. Lorson
Francis J. Lorson
Chief Deputy Clerk

rjb
cc: Counsel of record

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D.C. 20543

January 4, 1982

Ms. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii 96817

Re: Janice Ching Yee
v. Harold Shintaku, Judge, et al
A–593

Dear Ms. Yee;

Your application for a stay in the above-entitled case has been presented to Justice Rehnquist, who has endorsed thereon the following:

"1/4/82
Denied
WHR"

Very truly yours,
ALEXANDER L. STEVAS, Clerk
By /s/ Katherine Downs
Katherine Downs
Assistant Clerk

rwk
cc: counsel of record

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

March 22, 1982

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, HI 96817

Re: In Re Janice Ching Yee,
No. 81–1500

Dear Mrs. Yee:

The Court today entered the following order in the above entitled case:

The petition for writ of certiorari and for all other relief is denied.

Very truly yours,
Alexander L. Stevas, Clerk
/s/ Alexander L. Stevas

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D.C. 20543

April 26, 1982

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii 96817

RE: In Re Janice Ching Yee
NO. 81–1500

Dear Mrs. Yee:

The Court today entered the following order in the above-entitled case:

"The petition for rehearing and all other relief is denied."

Very truly yours,
ALEXANDER L. STEVAS, Clerk

By /s/ Francis J. Lofson
Francis J. Lofson
Chief Deputy Clerk

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1981 Dec 21 AM 8:44
B. CHO
CLERK

IN THE FAMILY COURT OF THE FIRST CIRCUIT
STATE OF HAWAI'

Janice Ching Yee, Plaintiff, vs. ALRED A. YEE, Defendant.	)	FC–D No. 81258 ORDER DENYING PLAINTIFF'S MOTION AND RESTRICTING THE FILING OF MOTIONS BY PLAINTIFF

ORDER DENYING PLAINTIFF'S MOTION AND RESTRICTING THE FILING OF MOTIONS BY PLAINTIFF

The Court having considered Plaintiff's Motion for Impartial, New Judge for case FC–D 81258, and Motion to Alter the Court's Unconstitutional, Frivolous Judgments according to Hawaii Revised Statutes 657–20 and the Code's Prec.7–21, the pertinent records and files herein, and finding that Plaintiff's said Motion is without intelligible legal basis, and that Plaintiff has abused the judicial processed (sic) by persistently presenting to the Court and requesting hearings on motions for relief which have been frivolous, repetitious and without legal bais, NOW THEREFORE,

IT IS ORDERED that Plaintiff's request for a hearing on her Motion for Impartial, New Judge for case FC–D 81258, and Motion to Alter the Court's Unconstitutional, Frivolous Judgements according to Hawaii Revised Statutes 657–20 and the Code's Prec. 7–21, is denied.

IT IS FURTHER ORDERED that henceforth Plaintiff's motions for monetary relief from prior orders, judgement and decrees herein shall not be heard by this Court unless Plaintiff's motion shall clearly demonstrate that the requested monetary relief is essential to her health and/or welfare and that she is without adequate funds to meet such essential ex-

penses, and Plaintiff attaches to her motion her complete financial statement reflecting her income and expenses and her assets and debts.

DATED: Honolulu, Hawaii, Dec. 18 1981 SEAL

/s/ Richard Y. S. Lee
Judge of the Above-Entitled Court

APPENDIX "E":

LAW RELIED ON

APPENDIX "E": PERTINENT LAW FOR THIS COURT'S JURISDICTION

I. THE CONSTITUTION OF THE UNITED STATES

A. ARTICLE III, Section 1 and 2, in particular:

Sec. 1: "The judicial power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." etc.

Sec. 2: "The Judicial Power shall extend to all cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;" etc.

B. ARTICLE IV, Section 1 and 2, in particular:

Sec. 1: "Full faith and credit shall be given in each State to the public Acts, Records, and Judicial Proceedings of every other State. And the Congress may by general Laws prescribe the manner in which such Acts, Records, and Proceedings shall be proved, and the effect thereof."

Sec. 2: "The Citizens of each State shall be entitled to all privileges and immunities of Citizens in the several Sates." etc.

C. AMENDMENTS (ARTICLE) I, II, IV, V, VII, VIII, IX, XIII, and XIV, in particular

AMENDMENT (ARTICLE) I: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speec, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

AMENDMENT (ARTICLE) IV: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched.

AMENDMENT (ARTICLE) V: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a persentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militiar, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation."

AMENDMENT (ARTICLE) VII: In suits of common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

AMENDMENT (ARTICLE) VIII: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

AMENDMENT (ARTICLE) IX: "The enumeration in the Constitution of certain rights, shall not be construed to deny or disparge others retained by the people."

AMENDMENT (ARTICLE) XIII, Section 1 and 2, in particular.

Sec. 1: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Sec. 2: "Congress shall have power to enforce this article by appropriate legislation."

AMENDMENT (ARTICLE) XIV, Section 1 in particular: "All persons born" (or naturalized) "in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state where-

in they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law." etc.

II. HAWAII STATE CONSTITUTION, ARTICLE 1, Sections 1–8, and 12: only noted here, for its similar sections to the AMENDMENTS of the U. S. CONSTITUTION, quoted.

III. RULES OF THE SUPREME COURT OF THE UNITED STATES, only noted here, with respect for this Court's knowledge of these RULES:

RULE 13
RULES 17(1)(b and c) in particular
RULE 18
RULE 19
RULE 20.2 and 20.4
RULE 21
RULE 26
RULE 33

IV. TITLE 28, U. S. CODE,

Chapter 81, sec. 1257(3). STATE COURTS; APPEAL; CERTIORARI:

"Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:"

"By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States."

Chapter 111, sec. 1651(a) WRITS:

"The Supreme Court and all Courts established by

Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

Chapter 111, sec. 1654. APPEARANCE PERSONALLY (OR BY COUNSEL):

"In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein."

Chapter 133, sec. 2101(c): SUPREME COURT; TIME FOR APPEAL OR CERTIORARI; DOCKETING; STAY:

"Any other appeal or any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review shall be taken or applied for within ninety days after the entry of such judgment or decree. A justice of the Supreme Court, for good cause shown, may extend the time for applying for a writ of certiorari for a period not exceeding sixty days."

Chapter 133, section 2104:

"An appeal to the Supreme Court from a state court shall be taken in the same manner and under the same regulations, and shall have the same effect, as if the judgment or decree appealed from had been rendered in a court of the United States.

Chapter 133, sec. 2106: DETERMINATION:

"The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

V. TITLE 42, U.S. CODE SERVICE, Chapter 21:

1. Section 1981: GENERALLY. EQUAL RIGHTS UNDER THE LAW:

"All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to the like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

2. Section 1982. PROPERTY RIGHTS OF CITIZENS:

"All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

3. Section 1983: CIVIL RIGHTS FOR DEPRIVATION OF RIGHTS:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit, in equity, or other proper proceeding for redress.

4. Section 1985:

(1) PREVENTING OFFICER FROM PERFORM- DUTY.

"If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place or confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district or place,

where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) OBSTRUCTING JUSTICE; INTIMIDATING PARTY, WITNESS, OR JUROR.

"If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testitying to any matter pending therein, freely, fully, and truthfully, or to injure such party of witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any vertidct, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any persons, or class of persons, to the equal protection of the laws;

(3) DEPRIVING PERSONS OR RIGHTS OR PRIVILEGES.

"If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory the

equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitlted to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party occasioned by such injury or deprivations, against any one or more of the conspirators.

5. Section 1986; ACTION FOR NEGLECT TO PREVENT CONSPIRACY:

"Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section [42 USCS § 1985], are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action, and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the

deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

Chapter 21, Section 1988. Proceedings in vindication of civil rights

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this Title, and of Title "CIVIL RIGHTS," and of Title "CRIMES," for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State where the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty. In any action or proceeding to enforce a provision of section 1977, 1978, 1979, 1980, and 1981 of the Revised Statutes [42 USCS §§ 1981–1983, 1985, 1986], title IX of Public Law 92–318 [20 USCS §§ 1681 et seq.], or in any civil action or proceeding, by or on behalf of the United States of America, to enforce, or charging a violation of, a provision of the United States Internal Revenue Code [26 USCS §§ 1 et seq.], or title VI of the Civil Rights Act 0f 1964 [42 USCS §§ 2000d et seq.], the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

VI. FEDERAL RULES OF CIVIL PROCEDURE, OR, HAWAII RULES OF CIVIL PROCEDURE:

RULE 1: "These" "RULES" "shall be construed to secure the just, speedy, and inexpensive determination of every action."

RULE 18: "JOINDER OF CLAIMS AND REMEDIES".

(a): "JOINDER OF CLAIMS. A party asserting a claim to relief as an original claim," "may join, either as independant or as alternate claims, as many claims legal, equitable, or maritime, as" the person "has against an opposing party."

(b): "JOINDER OF REMEDIES; FRAUDULENT CONVEYANCES. Whenever a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, the two claims may be joined in a single action; but the court shall grant relief in that action only in accordance with the relative substantive rights of the parties. In particular, a Plaintiff may state a claim for money and a claim to have set aside a conveyance fraudulent as to him (or her), without first having obtained a judgment establishing the claim for money."

RULE 19: "JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION"'

(a): "PERSONS TO BE JOINED IF FEASIBLE. A Person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if (1) in his absence complete relief cannot be accorded among those already parties, or (2) he (or she) claims an interest relating to the subject of the action and is so situated that the disposition of the action in his (or her) absence may (i) as a practical matter impair or impede his ability to protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of his claimed interest. If he has not been so joined, the

court shall order that he be made a party." etc.
(b) "DETERMINATION BY COURT WHENEVER JOINDER NOT FEASIBLE." If a person as described in subdivision (a) (1–2) hereof cannot be made a party, the court shall determine whether in equity and good conscience the action should proceed among the parties before, it, or should be dismissed, the absent person being thus regarded as indispensable." etc.

RULE 26: "GENERAL PROVISIONS GOVERNING DISCOVERY.
(a) "Discovery Methods. Parties may obtain discovery by any one or more of the following methods: "production of documents or things". "Unless the court orders otherwise under subdivision (c) of this rule, the frequency of use of these methods is not limited."

RULE 42: "CONSOLIDATION; SEPARATE TRIALS::
(a): CONSOLIDATION. When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the action; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.
(b): SEPARATE TRIALS. The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any claim, crossclaim, counterclaim, or third-party claims, or issues, always preserving inviolate the right of trial by jury as declared by the Seventh Amendment to the Constitution or as given by a statute of the United States.

VII. A. HAWAII SUPREME COURT RULES
CODE OF JUDICIAL CONDUCT

CANON 1: A Judge should uphold the integrity and independence of the judiciary.
CANON 2: A Judge should avoid impropriety and

the appearance of impropriety in all his activities.
CANON 3: A Judge should perform the duties of his office impartially and diligently.
CANON 4: A Judge may engage in activities to improve the law, the legal system, and the administration of justice.
CANON 5: A Judge should regular his extra-judicial activities to minimize the risk of conflict with his judicial duties.
CANON 6: A Judge should refrain from political activity inappropriate to his judicial office.

B. HAWAII SUPREME COURT RULES
CODE OF PROFESSIONAL RESPONSIBILITY
ETHICAL CONSIDERATIONS

EC 7–21 The civil adjudicative process is primarily designed for the settlement of disputes between parties, while the criminal process is designed for the protection of society as a whole. Threatening to use, or using, the criminal process to coerce adjustment of private civil claims or controversies is a subversion of that process; further, the person against whom the criminal process is so misused may be deterred from asserting his legal rights and thus the usefulness of the civil process in settling private disputes is impaired. As in all cases of abuse of judicial process, the improper use of criminal process tends to diminish public confidence in our legal system.

EC7–22 Respect for judicial rulings is essential to the proper administration of justice; however, a litigant or his lawyer may, in good faith and within the framework of the law, take steps to test the correctness of a ruling of a tribunal.

VIII. HAWAII FAMILY COURT RULES
RULE 7(b) MOTIONS AND AFFIDAVITS.
(5) Any motion seeking an order for or modification of financial or monetary relief of any kind, except for an award of attorney's fees in enforcement proceedings, shall have attached income and expense

and property or asset and debt statements on the forms provided by the court, executed by the movant and duly notarized or under penalty of perjury, and any person responding to such motion shall prepare and submit to the court and the movant, at or prior to the hearing of such motion, income and expense and property or asset and debt statements on the forms provided by the court, executed by such respondent and duly notarized or under penalty of perjury. The sanctions provided in Rule 37(b)(2) shall apply in the event of failure to comply with this Rule 7(b)(5).

(c) Demurrers, Pleas, Etc., Abolished. Demurrers, pleas, exceptions for insufficiency of a pleading and motions for bills of particulars shall not be used.

APPENDIX "F"

MISCELLANEOUS MATTER:

PROMISSORY NOTE

$105,000.00 HONOLULU, HAWAII
July 5, 1975

In accordance with the Sixth Supplemental Decision and Order entered on April 4, 1975, as amended by the Eleventh and Twelfth Supplemental Decisions and Orders in proceedings of the Family Court of the State of Hawaii designated FC–D No. 81258, the undersigned hereby promises to pay to JANICE CHING YEE the principal sum of ONE HUNDRED FIVE THOUSAND AND NO/100 DOLLARS ($105,000.00), payable without interest in monthly installments of THREE HUNDRED FIFTY AND NO/100 DOLLARS ($350.00) each, commencing first on July 5, 1975 and continuing on or before the fifth day of each and every month thereafter until fully paid.

In the event of default of any installment, interest at the rate of twelve per cent (12%) per annum shall accrue on the installment in arrears.

This note is subject to acceleration in accordance with provisions of paragraph I(A)(2)(a) and paragraph I(A)(2)(c) of said Sixth Supplemental Decision and Order, providing as follows:

> "If at any time [JANICE CHING YEE] shall require supplement income to cover insured hospitalization, medical and psychiatric costs and expenses reasonably required to provide for her health and well being, [she], or some proper person on her behalf, may apply to [the Family Court of the First Circuit of the State of Hawaii] for entry of its Order increasing the amount of monthly installments.
>
> "In the event [the maker] shall predecease [JANICE CHING YEE] [the maker's] estate shall be obligated for the payment of the remaining balance of said $105,000.00."

In the event of default in the payment of any installment at the time when due, and in case steps are taken whether by

suit or otherwise to collect any installment in arrears, the undersigned further promises to pay all reasonable costs and expenses incurred, including a reasonable attorney's fee.

The privilege is reserved to the maker to prepay the whole or any part of the principal from time to time outstanding without penalty.

/s/ Alfred A. Yee
ALFRED A. YEE

EXHIBIT "A"
of Feb. 2, 1976 Eleventh Supplemental Decision & Order "tCR" p. 583-611.

PROMISSORY NOTE

$110,000.00 HONOLULU, HAWAII
July 1, 1975

In accordance with the Sixth Supplemental Decision and Order entered on April 4, 1975, as amended by the Eleventh and Twelfth Supplemental Decisions and Orders in proceedings of the Family Court of the State of Hawaii designated FC–D No. 81258, the undersigned hereby promises to pay to JANICE CHING YEE the principal sum of ONE HUNDRED TEN THOUSAND AND NO/100 DOLLARS ($110,000.00), together with interest at the rate of five per cent (5%), per annum computed on the unpaid principal balance remaining unpaid from time to time from and after July 1, 1975 until January 31, 1981, and thereafter at a rate of interest equal to one percentage point above the prime rate of interest from time to time established by Bank of Hawaii, not exceeding, however, ten per cent (10%) per annum.

Principal and interest shall be due and payable as follows:

PRINCIPAL. Principal shall be payable on the date that the undersigned or his designee shall be entitled to distributions of all of the undersigned's vested rights in the Alfred A. Yee & Associates, Inc. Profit Sharing Trust; provided that if only a portion of the undersigned's rights in said Profit Sharing Trust shall be payable, then such portion shall be fully applied to the payment of principal hereunder; provided, further, that if principal shall not be fully paid by January 31, 1981, then and in such event the then remaining principal shall shall be paid in one hundred (100) equal monthly installments commencing first on February 1, 1981. The whole or any part of the principal may be prepaid without penalty.

INTEREST. Interest shall be payable in monthly installments in arrears, commencing first on August 1, 1975 for and on account of interest accruing from the period July 1, 1975 to July 31, 1975, and continuing on the first day of each and every month thereafter until the principal shall be fully paid.

In the event of default in the payment of principal when due, or of any installment of interest when due, and in case

steps are taken, whether by suit or otherwise, to collect any installment in arrears, the undersigned further promises to pay all reasonable costs and expenses incurred, including a reasonable attorney's fee, and interest at the rate of twelve per cent (12%) per annum on any installment, either on principal or interest, in arrears.

/s/ Alfred A. Yee
ALFRED A. YEE

EXHIBIT "B"
of Feb. 2, 1976 Eleventh Supplemental Decision & Order
"tCR" p. 583–611

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1981

JANICE CHING YEE, Petitioner	)	
vs.	)	No. 81–1500
HAROLD SHINTAKU, JUDGE, ET AL., Respondents	)	

WAIVER

The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court.

REX E. LEE
Solicitor General

February 12, 1982
cc: Mrs. Janice Ching Yee
3169 Alike Avenue
Honolulu, Hawaii 96817

Tany Hong, Attorney General
John Campbell, Deputy Attorney General
Hawaii State Capitol
415 So. Beretania Street
Honolulu, Hawaii 96813

Albert Gould, Esquire (continued) (et al)
Suite 502, 820 Mililani Street
Honolulu, Hawaii 96813

(Formerly G–56) FORM OSG–13
DOJ 12-7-76

CERTIFICATES AND LICENSES AND DEEDS

Legal documents to ascertain legality
Of ownership or legalized permissability.

Birth certificates giving credance to breathing
"Homo Sapiens" as a way of formal greeting.

Bicycle licenses taking annual toll
Of pre-drivers on the membership roll.

Auto licenses wreaking affirmation
Of drivable adulthood and confirmation.

Marriage certificate giving a semblance
Of durability or reasonable resemblance.

Building licenses maintaining ambitious endeavor
To increase horizontal, vertical, or whatever.

Property deeds giving legal certainty
Of emphasis for ownership or reality.

Children's birth certificates giving credance to continuity
Of Earth's predominant creature and its fertility.

Professional licenses giving evidences of responsibility.
Ambition, capability, legality, or reliability.

Death certificates taking the end result
As a living testament without doubt.

from "THIS GIFT of POETRY for LAW and ORDER
FROM HAWAII" © Janice Ching Yee 1976

Retail @ $5. each

V.

KAUAI

NAPALI

Towering steeple or religion grounded
In open defiance of earth's beauty.
Misty overture between generations
Separating gaps of hidden reality.
Waterfalls hanging onto rocks
For strength before releasing hold.
Rocks holding onto earthy substance
For sustenance before relenting of old.
Open heavens between celestial levels
Alternating smiles and tears;
Enhancing the silence of a buried church
Covered by the sounds of unheard cheers.

from THIS GIFT I PRESENT of Poetry from HAWAII

Third Edition. Retail @ $5.00
©Janice Ching Yee 1974, 1976, 1980
Published by Pi PRESS, Inc.
Box 23371, Honolulu, HI 96822

THE BIKE†

Wonder of wonders, can this be for me?
To ride anywhere and really be free?
Four-wheel drives and bell and everything?
Lights and basket and this "beeper" plaything?
The freedom to go and really explore;
or help Mom run errands and go to the store.
The freedom to dream as you all ride along;
the freedom to think or simply sing a song.
This great big wonderful kind of invention
leaves no doubt of the Inventor's intention.
For me and all of my younger generation;
we're thankful for this modern mechanization.

†from "THIS GIFT OF POETRY FOR CHILDREN"

©by Janice Ching Yee 1975

Retail @ $4.25 ea.

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APPENDIX "G"

ADDITIONAL RULINGS RELIED ON

APPENDIX "G": ADDITIONAL RULINGS RELIED ON, BESIDES RULINGS PLED †

1 AZAR v. CONLEY (1972. CA6 Ohio) 456 F2d 1382, later app (CA6 Ohio) 480 F2d 220.

"Specific intent need not be alleged in a suit under 42 USCS #1985, clause (3); fact pleaded must merely show an "invidiously discriminatory animus" behind the conspirators' action."

"While 42 USCS #1985 does not give rise to a cause of action for slander, slanderous remarks might constitute an integral part of a clause (3) conspiracy."

2 BOTTONE v. LINDSLEY (1948, CA10 Colo) 170 F2d 705, cert den 336 US 944, 93 L Ed 1101, 69 S Ct 810.

"To make out a cause of action the state court proceedings must have been a complete nullity, with a purpose to deprive a person of his property without due process of law."

3 BRITT v. SUCKLE (1978 DC Tex) 453 F. Supp. 987

"Fourteenth Amendment authorizes Congress to legislate to prohibit a private conspiracy with purpose of denying Plaintiff equal treatment by the State Courts through attempted denials of Plaintiff's access to them." USCA 1985(2) USCA Const. Amend. 14.

4 COOK & NICHOL, Inc. v. PLIMSOLL CLUB; 451 F 2d 505 (5th Cir. 1971.

Plaintiff "should not be dismissed for failure to state claim unless appears beyond doubt that Plaintiff can prove no set of facts in support of the claim which would entitle the Plaintiff to relief." FRCP, Rule 12(b)(6) 28 USCA.

5 CULP v. DEVLIN (1977, DC Pa) 437 F Supp 20.

"While every negligent act committed under color of law will not give rise to civil rights claim under 42 USCS #1983, negligent act which amounts to deprivation of right, privilege, or immunity secured by Constitution or laws of United States is within terms of #1983."

†alphabetically included hereon

6 FANNIE v. CHAMBERLAIN MFG. CORP. DERRY DIV. (1977 DC Pa) 445 F. Supp. 65

"The Doctrine of Res Judicata require for its application, final judgment on the merits."

7 GIBSON v. SEATTLE (WASHINGTON) DEPT. OF POLICE (1973. CA9 Wash) 472 F2d 1220; JOHNSON v. LARK (1973, DC Mo) 365 F Supp. 289.

"Actions brought to vindicate civil rights do no depend for jurisdiction upon whether such rights are personal as opposed to property rights."

8 GRIFFIN v. BRECKENRIDGE, Supra 403 U.S. at 90-91, 91 S. Ct. 1790, id at 102, 91 S. Ct. 1798.

"The language regarding intent to deprive of equal protection or equal privileges" "means that there must be some racial or perhaps otherwise class-based insidiously discriminatory animus behind the conspirators' action."

"No "state action" involvement need be alleged or proven for recovery under clause (3) of 42 USCS #1985; as so construed, this provision is valid under the Thirteenth Amendment and (as to the travelling-on-highway subclause) the Interstate Commerce Clause."

""'Conclusion: The ultimate inequality of treatment in the courts, in Congress' language 'the obstruction of the due course of justice', is the discrimination aimed at in the Compalint and prohibited by 1985(2)." "In this Court's view, the Plaintiff has stated a claim under 42 USC 1985(3)".

9 HAMPTON v. HANRAHAN. (1979 CA 7 III) 600 F. 2d 600.

"Express agreement among all conspirators is not a necessary element of a civil conspiracy." "—must share general conspiratorial objective, but they need not know all details of plan designed to achieve objective or possess same motives for desiring intended conspiratorial result. When a Plaintiff alleges conspiracy to violate civil rights, existence or non-existence of conspiracy is essentially a factual issue that the jury, not trial judge, should decide. 42 USCA 1983 1985 (3).

10 HEAD v. TIMKEN ROLLER BEARING CO. (1973), CA6 Ohio) 486 F2d 870.

"Action for employment discrimination involving racial discrimination may be brought under either 42 USCS #1981 or Title VII of Civil Rights Act of 1964 (42 USCS #2000e et seq.)"

11 HOFFMAN v. HALDEN (1959, CA9 Or) 268 F2d 280.

"Under clause (2) of 42 USCS #1985 the elements of a cause of action are (1) that Defendants conspired; (2) that the purpose of the conspiracy was to impede or hinder, or obstruct or defeat the due course of justice in a state or territory; (3) with the purposeful intent to deny to a citizen the equal protection of the law; (4) that the acts complained of were done under color of state law or authority, and (5) that by acts done in furtherance of the conspiracy the plaintiff was injured in his person or property or was deprived of having and exercising a right or privilege of a citizen of the United States."

12 IN RE: LEDWITH v. INTERNATIONAL PAPER CO. 64 NYS 2d 810 affd. A.D. 864 66 NYS 2d 625.

"If the complaint states any facts showing a wrong which the law recognizes and will redress, it is legally sufficient as a pleading. Even a lawful act done solely out of malice and ill will to injure another may be actionable. An action will lie for malicious acts and words where they are calculated to produce and where they produce damage.

The genesis which will make a lawful act unlawful must be a malicious one unmixed with any other and exclusively directed to injury and damage of another. Statements where the maker acts solely out of malevolent disinterest." († emphasis underline supplied)

13 JACOBS v. BOARD OF REGENTS (1970 SD Fla) 473 F. Supp. 663

"A plaintiff should never be dismissed unless it appears beyond doubt that Plaintiff can prove no set of facts in support of the claim that would entitle the Plaintiff to

relief." FRCP, Rule 12(b)(6) 28 USCA.

"District Court is required to construe the complaint in a light most favorable to Plaintiff and to take the allegations contained therein as true. FRCP, Rule 12(b)(6)USCA.

14 JILLSON v. CAPRIO. 86 App. D.C. 168, 181, F. 2d 523: Noted. 49 Mich. LR 917 (1941); 35 Cornell L.Q. 904 (1950).

"FALSE ARREST. False arrest fundamentally refers to restraint under legal procedures."

"Any 'restraint' on the personal liberty to come and go, of a person no matter how slight is an 'arrest'. A 'malicious arrest' is one made in proper procedural form but without probable cause".

"No damage need be shown in order to spell out this tort because of the origin of the action" "and even momentary' restraint is sufficient. And the victim is entitled to 'compensatory damages' for the mental suffering and time lost, as well as 'general damages'.

" "Furthermore," "Negligence, as well as intent on the part of the wrongdoer suffices for 'false imprisonment' or 'false arrest' ".

"Not only the perpetrators" "but the instigators of unlawful violence is fully responsible to its vitim."

"ANYONE WHO AIDS A FALSE ARREST IS GUILTY"!

15 KNIGHT v. AUCIELLO (1972, CA1 Mass) 453 F2d 852.

"Award of costs proper under 42 USCS #1982 so that Plaintiff will not be burdened in vindicating public right established hereunder."

16 LAMB v. SALLEE (1976, DC Ky) 417 F Supp 282.

"Compensatory damages for humiliation and emotional and mental anguish are appropriate under 42 USCS #1982, and any award of attorneys' fees is not based on the financial ability of the Plaintiff."

17 MAGILL v. AVONWORTH BASEBALL CONFERENCE (1973, DC Pa) 364 F Supp 1212, vacated without op (CA3 Pa) 497 F2d 921, later app (CA3 Pa) 516 F2d 1328.

"42 USCS #1985 does not provide protection against all types of discrimination, but only that discrimination which occurs under color of state law; unlawful discrimination must result from misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state law; merely acting under state license is not state action within context of 42 USCS #1985."

18 MARTIN v. WAINWRIGHT (1976 CA 5 Fla.) 526 F 2d 938.

"District Court must be sensitive to problems of Pro Se Plaintiff in civil rights action and not be too quick to dismiss complaint for failure to state technical cause of action."

19 McCLELLEN v. MISSISSIPPI POWER & LIGHT CO. 545 F. 2d 919 (5th Cir. 1977) (en banc) Id. at 925.

"Put more simply, there can only be a deprivation of rights of a Plaintiff when the action of the Defendant is otherwise illegal."

20 MITCHELL v. BOSLOW (1973, DC Md) 357 F Supp 199.

"Negligence is actionable under 42 USCS #1983" "if bad faith and oppressive motive is shown."

21 PAUL v. DAVIS (1976) 424 US 693, 47 L Ed 2d 405, 96 S Ct 1155. reh den 425 US 985, 48 L Ed 2d 811, 96 S Ct. 2194.

"Interests comprehended within meaning of either "liberty" or "property" under procedural guarantees of due process clause of Fourteenth Amendment include interests that are recognized and protected by state law, and interests guaranteed in one of provisions of Bill of Rights which have been "incorporated" into Fourteenth Amendment; 42 USCS #1983 – which creates right of action against person who, under color of state law, subjects another to deprivation of any right secured by Federal Constitution – makes deprivation of such latter type of right actionable independently of state law."

22 PECK v. U.S. (1979 SD NY) 470 F. Supp. 1003.

"Determination of when a claim accrues under civil rights conspiracy statute is a question of Federal Law." 42 USCA 1986.

23 PENNSYLVANIA v. INTERNATIONAL UNION OF OPERATING ENGINEERS (1972, DC Pa) 347 F Supp 268.

"No "state action" is required to state a cause of action for violation of equal rights under 42 USCS #1981.

24 PHABY v. KSD-KSD TV, Inc. (1979 ED MO) 476 F. Suppl. 1051.

"A conspiracy to deprive a person of his rights to free speech and freedom of association due to his membership in a class, even though committed entirely by private persons, will constitute a violation of civil rights conspiracy statute." 42 USCA 1985(3) 1983.

25 RUNYAN v. McCRARY (1976) 427 US 160, 49 L Ed 2d 415, 96 S.Ct. 2586

"42 USCS 1981 and 1982, which guarantee all persons same specified rights as enjoyed by white citizens, both reach private conduct."

26 SANTIAGO v. PHILADELPHIA (1977, DC Pa) 435 F Supp 136.

"Cause of action under 42 USCS #1986 requires that Defendant knew of 42 USCS #1985(3) conspiracy and "having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do"; thus #1986 can only be pleaded once Plantiffs have sufficiently alleged #1985(3) violation."

27 SCHEURER v. RHODES. 416, U.S. 232, 94 S. Ct. 1683, 40 L. Ed. 2d 90 (1979)

"– court is required to construe the complaint in a light most favorable to Plaintiff and to take the allegations contained therein as true."

28 SCOTT v. MOORE (1978, DC Tex) 461 F. Supp. 224

"Once conspiracy exists, co-conspirators of whom a party to conspiracy is unaware can bind him by their actions.

Plaintiff must show conspiracy entered into with intent to deny class to which he belongs equal protection of the law, or an injury for lawfully expressing right of any person to equal protection of the law."
42 USCA (1985) (3).

29 SEATON v. SKY REALTY CO. (1974, CA7 Ill) 491 F2d 634.

"Award of compensatory damages under 42 USCS #1982 is appropriate for humiliation suffered by Plaintiffs as result of racial discrimination; humiliation can be inferred from circumstances as well as established by testimony."

30 SELZER v. VERKOWITZ. (1978 DC NY) 459 F. Supp. 347

"(2) a conspiracy aimed at depriving someone of his First Amendment Right of freedom of speech and freedom of association was cognizable under the civil rights laws, and (3) where State action is involved, there is no requirement of showing of a class-based discriminatory animus". F. Supp. 348.

"Civil Rights statute prohibiting conspiracy to deny equal protection applies to any and all conspiracies involving state action which threatened deprivation of rights protected under statute, even if such conspiracies are not motivated by class based discriminatory animus and are directed solely at an individual."
42 USCA. 1985(3) USCA. Const. Amend. 14.

31 STERN v. UNITED STATES GYPSUM, INC. (1977, CA7 Ill) 547 F2d 1329, motion den (CA7) 560 F2d 865.

"Cause of action under 42 USCS #1985(1) did not include requirement that conspiracy be motivated by invidiously discriminatory animus."

32 UNITED STATES GENERAL INC. v. SCHROEDER (1975, DC Wis) 400 F Supp 713.

"While as general rule state court litigants are not amenable to suit under provisions of Civil Rights Act, private person who effects unconstitutional prejudgment judicial remedy does perform state action within meaning of

42 USCS #1983, since private citizen is acting under color of state law when his action is encouraged by state law and especially when it is possible only by virtue of state law."

33 WHITE v. BLOOM (1980 CA 8 Mo) 621 F 2d 276.
"When complaint under USCS 1983 or 1985 can be read to allege continuing conspiracy, period of limitation for damages does not begin to run until last overt act of conspiracy has occured."